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JOURNAL
OF THE
HOUSE

2011 SESSION

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JOURNAL of the HOUSE OF REPRESENTATIVES

Containing the 2011 Session
December 1, 2010
through
November 30, 2011

WILLIAM L. O'BRIEN
SPEAKER

KAREN O. WADSWORTH
CLERK

WALTER SWORD
SERGEANT-AT-ARMS

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HOUSE JOURNAL No. 1

Wednesday, December 1, 2010

On the first Wednesday in December in the year of our Lord, two thousand ten, it being the day designated by the Constitution for assembling for organizational purposes, the one hundred and sixty-second General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The Representatives-elect were called to order by Karen O. Wadsworth, Clerk of the House for the preceding session.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

O God of us all, we find ourselves here on the cusp of a Holy time of year; a time of waiting, a time of anticipation, a time of looking with fresh eyes for manifestations of Your love, Your grace and Your guidance in our midst. Teach us again to look beyond the material aspects of this season toward the deeper implications of this time of year and remind us that in the midst of our stressful lives, there is much we have to offer one another. You have endowed us all with goodwill, with compassion, with hope and with forbearance. I ask, oh God, that You bless the membership of this House, both veterans and newly-elected and bless the work upon which they are about to embark and the decisions which they are about to make. Bless those here, I pray, who feel the pangs of grief most keenly during the winter months and heal those in our circles of family and friends who are sick or in need of physical or emotional healing. Let Your bountiful grace flow over us all, that we might truly be the people You intend us to be. In Your Holy name we pray. Amen.

Representative-elect Steve Vaillancourt of Manchester led the Pledge of Allegiance.

Representative-elect James Garrity of Atkinson led the singing of the National Anthem.

CALL OF THE ROLL BELKNAP COUNTY

- Dist. No. 1 (1)** Tyler W. Simpson, r
Dist. No. 2 (2) Dennis H. Fields, r; William B. Tobin, r
Dist. No. 3 (2) Robert H. Greemore, r; Colette Worsman, r
Dist. No. 4 (5) Harry Accornero, r; Donald H. Flanders, r; Robert P. Kingsbury, r; Robert A. Luther, r; Franklin T. Tilton, r
Dist. No. 5 (7) Elected, not sworn in; Guy Comtois, r; Robert J. Malone, r; Alida I. Millham, r; elected, not sworn in; Jeffrey L. St. Cyr, r; Elaine B. Swinford, r
Dist. No. 6 (1) David H. Russell, r

CARROLL COUNTY

- Dist. No. 1 (4)** Gene G. Chandler, r; Frank H. McCarthy, r; Laurie P. Pettengill, r; Karen C. Umberger, r
Dist. No. 2 (1) Norman A. Tregenza, r
Dist. No. 3 (3) David L. Babson, Jr., r; Mark E. McConkey, r; Harry C. Merrow, r
Dist. No. 4 (4) Christopher J. Ahlgren, r; elected, not sworn in; Betsey L. Patten, r; Stephen J. Schmidt, r
Dist. No. 5 (2) Joseph W. Fleck, r; Dino A. Scala, r

CHESHIRE COUNTY

- Dist. No. 1 (1)** Robert W. Moore, Jr., r
Dist. No. 2 (3) Anne S. Cartwright, r; Tara A. Sad, d; Lucy M. Weber, d
Dist. No. 3 (7) Cynthia L. Chase, d; Samuel L. Hawkes, d; Gladys Johnsen, d; Steven W. Lindsey, d; David R. Meader, d; Kris E. Roberts, d; Charles F. Weed, d
Dist. No. 4 (4) William Butynski, d; Daniel P. Carr, d; Henry A. L. Parkhurst, d; Edwin O. Smith, r
Dist. No. 5 (1) Richard J. Dwinell, r
Dist. No. 6 (4) John J. Byrnes, r; Jane B. Johnson, r; Alfred C. Lerandean, d; Bruce L. Tatro, d
Dist. No. 7 (4) Susan Emerson, r; John B. Hunt, r; Charles E. Moore, r; Franklin W. Sterling, Jr., r

COOS COUNTY

- Dist. No. 1 (2)** James C. Daugherty, r; Laurence M. Rappaport, r
Dist. No. 2 (4) Evalyn S. Merrick, d; William J. Remick, r; Herbert D. Richardson, r; John E. Tholl, Jr., r
Dist. No. 3 (1) William A. Hatch, d
Dist. No. 4 (4) Gary M. Coulombe, d; elected, not sworn in; Yvonne D. Thomas, d; Marc D. Tremblay, r

GRAFTON COUNTY

- Dist. No. 1 (2)** Lyle E. Bulis, r; Stephanie Eaton, r
Dist. No. 2 (1) Kathleen N. Taylor, d
Dist. No. 3 (2) Edmond D. Gionet, r; Gregory M. Sorg, r
Dist. No. 4 (1) Lester W. Bradley, r
Dist. No. 5 (2) Paul C. Ingbertson, r; Rick M. Ladd Jr., r
Dist. No. 6 (2) James D. Aguiar, d; Charles J. Brosseau, r
Dist. No. 7 (2) Mary R. Cooney, d; Suzanne J. Smith, d
Dist. No. 8 (3) Harold T. Reilly, Sr., r; Jeffrey S. Shackett, r; Paul H. Simard, r
Dist. No. 9 (4) Bernard L. Benn, d; Sharon Nordgren, d; Beatriz Pastor, d; David M. Pierce, d
Dist. No. 10 (3) Paul Mirski, r; Charles E. Sova, r; Charles L. Townsend, d
Dist. No. 11 (4) Susan W. Almy, d; Franklin F. Gould, d; Laurie Harding, d; Andrew A. White, d

HILLSBOROUGH COUNTY

- Dist. No. 1 (3)** Robert A. Fredette, r; Holly L. Mecheski, r; Marjorie A. Porter, d
Dist. No. 2 (2) Daniel A. Donovan, r; Harry B. Hardwick, r
Dist. No. 3 (4) James E. Coffey, r; Robert J. Huxley, r; Bruce G. Marcus, r; James A. Parison, r
Dist. No. 4 (4) William F. Condra, r; Frank R. Holden, r; Robert D. Mead, r; William L. O'Brien, r
Dist. No. 5 (4) James P. Belanger, r; Richard B. Drisko, r; Jack B. Flanagan, r; Carolyn M. Gargasz, r
Dist. No. 6 (8) William S. Belvin, r; Sean E. Coughlin, r; Gary L. Daniels, r; Peter T. Hansen, r; Stephen J. Palmer, r; Robert H. Rowe, r; Stephen B. Stepanek, r; Robert F. Willette, r
Dist. No. 7 (8) John A. Burt, r; Russell C. Day, r; Larry A. Emerton, r; John A. Hikel, r; Gary S. Hopper, r; Neal M. Kurk, r; Calvin D. Pratt, r; Mark Warden, r
Dist. No. 8 (3) Jeffrey P. Goley, d; Peter E. Ramsey, d; elected, not sworn in
Dist. No. 9 (3) John M. Ball, r; Cameron W. DeJong, r; Winfred O. Hutchinson, r
Dist. No. 10 (3) Michael D. Brunelle, d; Jean L. Jeudy, d; Patrick T. Long, d
Dist. No. 11 (3) Nickolas J. Levasseur, d; Leo P. Pepino, r; Kathleen F. Souza, r
Dist. No. 12 (3) Elected, not sworn in; John G. Gimás, d; Theodoros V. Rokas, d
Dist. No. 13 (3) Benjamin C. Baroody, d; Larry G. Gagne, r; William J. Infantine, r
Dist. No. 14 (3) Kathleen J. Cusson-Cail, r; Patrick F. Garrity, d; Ross W. Terrio, r
Dist. No. 15 (3) Thomas Katsiantonis, d; Mark L. Proulx, r; Steve Vaillancourt, r
Dist. No. 16 (3) J. Gail Barry, r; Maurice L. Pilotte, d; Barbara E. Shaw, d
Dist. No. 17 (8) Thomas L. Beattie, r; Jerry E. Bergevin, r; Carlos E. Gonzalez, r; Phil J. Greazzo, r; Irene M. Messier, r; Tammy A. Simmons, r; Connie M. Soucy, r; Matthew J. Swank, r
Dist. No. 18 (6) John W. Cebrowski, r; John A. Graham, r; Kenneth Hawkins, r; Edward P. Moran, r; Keith Murphy, r; Moe Villeneuve, r
Dist. No. 19 (8) Richard W. Barry, r; Chris D. L. Christensen, r; Richard W. Hinch, r; Jeanine M. Notter, r; Tony J. Pellegrino, r; Lenette M. Peterson, r; Kathleen M. Stroud, r; Joseph D. Thomas, r
Dist. No. 20 (3) Kevin A. Avar, r; Sean M. McGuinness, r; Carl W. Seidel, r
Dist. No. 21 (3) Michael A. Balboni, r; Michael J. McCarthy, r; Donald B. McClarren, r
Dist. No. 22 (3) Brian D. Rhodes, d; Cindy Rosenwald, d; Lisa E. Scotsas, r
Dist. No. 23 (3) David E. Cote, d; Mary J. Gorman, d; Timothy J. Hogan, r
Dist. No. 24 (3) Michael P. Buxton, r; David B. Campbell, d; Kenneth N. Gidge, d
Dist. No. 25 (3) Duane H. Erickson, r; Edith A. Hogan, r; Timothy L. Twombly, r

- Dist. No. 26 (10)** Kevin J. Brown, r; Joseph F. Krasucki, r; Donald L. LeBrun, r; Bill Ohm, r; Barry J. Palmer, r; Michael T. Reed, r; David S. Robbins, r; Peter L. Silva, r; James D. Summers, r; Randall A. Whitehead, r
- Dist. No. 27 (13)** Ralph G. Boehm, r; Randall S. Brownrigg, Jr., r; Lars T. Christiansen, r; Shaun S. Doherty, r; Laura J. Gandia, r; Robert H. Haefner, r; Shawn N. Jasper, r; George A. Lambert, r; Jonathan S. Maltz, r; Lynne M. Ober, r; Russell T. Ober III, r; Andrew Renzullo, r; Jordan G. Ulery, r

MERRIMACK COUNTY

- Dist. No. 1 (2)** Robert A. Foose, d; David H. Kidder, r
- Dist. No. 2 (3)** Kathleen A. Lauer-Rago, r; David J. Palfrey, r; Dennis Reed, r
- Dist. No. 3 (1)** Steven J. Winter, r
- Dist. No. 4 (3)** Elected, not sworn in; Derek Owen, d; Gary B. Richardson, d
- Dist. No. 5 (2)** Mark H. Lindsley, r; Laurie J. Sanborn, r
- Dist. No. 6 (6)** Jennifer R. Coffey, r; Seth Cohn, r; Sean C. Cox, r; Gregory G. Hill, r; Kenneth Kreis, Sr., r; Priscilla P. Lockwood, r
- Dist. No. 7 (3)** J. Brandon Giuda, r; John J. McDonnell, r; G. Brian Seaworth, r
- Dist. No. 8 (4)** Elected, not sworn in; elected, not sworn in; Jon F. Richardson, r; Tony F. Soltani, r
- Dist. No. 9 (4)** David W. Hess, r; Frank R. Kotowski, r; Molly J. Smith, r; Todd P. Smith, r
- Dist. No. 10 (4)** June M. Frazer, d; Mary Stuart Gile, d; Frances D. Potter, d; Stephen J. Shurtleff, d
- Dist. No. 11 (5)** Elected, not sworn in; Candace C. W. Bouchard, d; James R. MacKay, d; Richard W. Patten, d; Robert W. Williams, d
- Dist. No. 12 (4)** Helen M. Deloge, d; Harold L. 'Chip' Rice, d; Mary Jane Wallner, d; Rick H. Watrous, d
- Dist. No. 13 (3)** Stephen T. DeStefano, d; Joseph A. Hoell, Jr., r; Thomas E. Keane, r

ROCKINGHAM COUNTY

- Dist. No. 1 (5)** Frank G. Case, r; Joe B. Duarte, r; John M. Reagan, r; James M. Sullivan, r; Kyle J. Tasker, r
- Dist. No. 2 (3)** Paul E. Brown, r; Kathleen M. Hoelzel, r; Lawrence M. Kappler, r
- Dist. No. 3 (9)** Alfred P. Baldasaro, r; James F. Headd, r; Karen K. Hutchinson, r; Robert E. Introne, r; David C. Lundgren, r; Betsy McKinney, r; Sherman A. Packard, r; Daniel J. Tamburello, r; Stella S. Tremblay, r
- Dist. No. 4 (13)** Gary S. Azarian, r; David Bates, r; Ronald J. Belanger, r; David J. Betten-court, r; Robert J. Elliott, r; Marilinda J. Garcia, r; Mary E. Griffin, r; Walter Kolodziej, r; Donna Mauro, r; Charles E. McMahon, r; Richard J. Okerman, r; John J. Sytek, r; Kevin K. Waterhouse, r
- Dist. No. 5 (11)** Brian K. Chirichiello, r; Patricia A. Dowling, r; Beverly A. Ferrante, r; Robert M. Fesh, r; Kenneth H. Gould, r; Phyllis M. Katsakiores, r; Andrew J. Manuse, r; John T. O'Connor, r; Kevin E. Reichard, r; Frank V. Sapareto, r; James C. Webb, r
- Dist. No. 6 (2)** Debra L. DeSimone, r; James M. Garrity, r
- Dist. No. 7 (4)** Gene P. Charron, r; James E. Devine, r; Joseph M. Hagan, r; Elisabeth N. Sanders, r
- Dist. No. 8 (7)** Regina M. Birdsell, r; Norman L. Major, r; Jeffrey D. Oligny, r; Marie N. Sapienza, r; John B. Sedensky, r; David A. Welch, r; Kenneth L. Weyler, r
- Dist. No. 9 (3)** Jason P. Antosz, r; Timothy P. Comerford, r; Daniel C. Itse, r
- Dist. No. 10 (1)** Bruce A. MacMahon, r
- Dist. No. 11 (2)** Mary M. Allen, r; Wyman E. Shuler, III, r
- Dist. No. 12 (3)** Joshua C. Davenport, r; Marcia G. Moody, d; Adam R. Schroadter, r
- Dist. No. 13 (8)** Patrick F. Abrami, r; Timothy D. Copeland, r; Patricia T. Lovejoy, d; Michele S. Peckham, r; Marshall E. Quandt, r; Matt J. Quandt, r; Donna L. Schlachman, d; Joanne A. Ward, r
- Dist. No. 14 (4)** Amy Stasia Perkins, r; Lawrence B. Perkins, r; Glenn F. Ritter, r; Gary W. Wheaton, r

- Dist. No. 15 (5)** Christopher F. Nevins, r; Frederick C. Rice, r; Kenneth W. Sheffert, r; Kevin P. Sullivan, r; elected, not sworn in
- Dist. No. 16 (7)** Jacqueline A. Cali-Pitts, d; Rich T. DiPentima, d; Terie Norelli, d; Laura C. Pantelakos, d; James F. Powers, d; Robert P. 'Robin' Read, Jr., d; Christopher W. Serlin, d
- Dist. No. 17 (1)** Pamela Z. Tucker, r
- Dist. No. 18 (2)** Brian J. X. Murphy, r; William B. Smith, r

STRAFFORD COUNTY

- Dist. No. 1 (9)** Julie M. Brown, r; Susan C. DeLemus, r; Anne C. Grassie, d; Warren J. Groen, r; Kyle D. Jones, r; Laura M. Jones, r; Sandra B. Keans, d; Frederick F. Leonard, Jr., r; Clifford A. Newton, r
- Dist. No. 2 (5)** Roger R. Berube, d; Kirsten L. Larsen, r; Philip L. Munck, r; Dale S. Spainhower, d; Dale R. Sprague, d
- Dist. No. 3 (8)** Sam A. Cataldo, r; Martin C. Harty, r; William H. O'Connor, r; William D. Panek, r; Robbie L. Parsons, r; Joseph A. Pitre, r; Carol M. Vita, r; Lucien A. Vita, r
- Dist. No. 4 (3)** Brendon S. Browne, d; Peter B. Schmidt, d; David H. Watters, d
- Dist. No. 5 (3)** Baldwin M. Domingo, d; Dorothea D. Hooper, d; Marsha L. Pelletier, d
- Dist. No. 6 (3)** Donald C. Andolina, r; Roland P. Hofemann, d; Michael W. Weeden, r
- Dist. No. 7 (6)** Philip E. Ginsburg, d; Timothy O. Horrigan, d; Naida L. Kaen, d; Jenna J. Roberts, d; elected, not sworn in; Janet G. Wall, d+r

SULLIVAN COUNTY

- Dist. No. 1 (2)** Benjamin P. Lefebvre, d; Andrew R. Schmidt, d
- Dist. No. 2 (3)** Steven L. Cunningham, r; Thomas J. Howard, r; Beverly T. Rodeschin, r
- Dist. No. 3 (1)** Spec Bowers, r
- Dist. No. 4 (5)** John R. Cloutier, d; Raymond G. Gagnon, d; Paul D. LaCasse, Sr., r; Charlene M. Lovett, r; Philip G. 'Joe' Osgood, r
- Dist. No. 5 (2)** Thomas W. Laware, r; Steven D. Smith, r

With 388 members-elect having answered the call of the roll, a quorum was declared present.

NOTIFICATIONS OF ABSENCE

The following Representatives-elect notified the Clerk's Office of their absence for the day.

Representative-elect Theberge, the day, illness.

Representatives-elect Blankenbeker, Bolster, Champagne, Carol McGuire, Dan McGuire, Pilliod, Spang, Daniel Sullivan and Waddell, the day, important business.

Representative-elect Hamm, the day, illness in the family.

Representative-elect Knox, the day, death in the family.

RESOLUTION

Representatives-elect Tucker and Norelli offered the following:

RESOLVED, that a committee be appointed to wait upon the Governor and the Honorable Council to inform them that a quorum of the House is assembled and requests their attendance.

Adopted.

The Chair appointed the following: Representatives-elect Laura C. Pantelakos, Mary Jane Wallner, David E. Cote, Gene G. Chandler and Irene M. Messier.

INTRODUCTION OF GUESTS

Susan Moore, mother of Rep-elect Jennifer Coffey, Lori Cox, wife of Rep-elect Cox. Sharon, John and Conor Daugherty, wife, son and grandson of Rep-elect Daugherty. Dolores, Lise, Kathy and Karen Reichard, mother, wife and sisters of Rep-elect Reichard. Dorothy Bittner, guest of Rep-elect Sam Hawkes. Carolyn Anderson, wife of Rep-elect Ginsburg. Jessica Okerman, wife of Rep-elect Okerman. Linda Twombly, Heather Pendry and Kevin Twombly, wife, daughter and son of Rep-elect Twombly. Maria LeBel, wife of Rep-elect Webb. Cpt. Elaine C. Holmes, US Navy, retired, wife of Rep-elect Shuler. Katrina and Kellen Giuda, wife and daughter of Rep-elect Giuda. Sharon Condra, wife of Rep-elect Condra. Thomas Stroud, husband of Rep-elect Stroud. Edith Sova, Margaret and

Tom McCabe, Tommy and Hank McCabe, wife, daughter, son-in-law and grandsons of Rep-elect Sova. Mr. and Mrs. Gerald Desmarais, parents of Rep-elect Sanborn. Gary Sparks, Karen Primi-ano and James and Polly Curran, guests of Rep-elect Porter. Hon. Liz Merry, former member from Sanbornton, guest of Rep-elect Pastor. Hon. Robert Perry, former member from Strafford, guest of Rep-elect Moody. Virginia Foose, Patricia, Henry and Grey Bechok, wife, daughter and grandsons of Rep-elect Foose. Mark Skelly, husband of Rep-elect Birdsell. Eva Powers, Jim and Lynda Dunwell, wife and guests of Rep-elect Powers. Gale Schmidt and Bruce Sooy, wife and guest of Rep-elect Andy Schmidt. Eileen Murphy-Bartlett and Lindsay Murphy, mother and wife of Rep-elect Brian Murphy. Mary Simard, wife of Rep-elect Simard. Huguette Reilly, wife of Rep-elect Reilly. Gloria Pilote, wife of Rep-elect Pilote. Hon. Deanna Rollo, former member from Rollinsford, guest of Rep-elect Baroody. Glenn Worsman, husband of Rep-elect Worsman. Phyllis Richard, Gerald DeLemus, Joshua DeLemus, Lisa Haskell, Joseph DeLuca, Jeffrey and Cheryl Weber, Thomas Lamy, Randall and Shona Bowen, mother, husband, step-son and guests of Rep-elect DeLemus. Rhonda Lambert, Stephanie, Rebecca and Emily Lambert, Peter Marquez, Leslie Racowski, Linda Reidy and Ellie Risley, wife, daughters and guests of Rep-elect Lambert. Marcia Kostoulakos, wife of Rep-elect LeBrun. Hon. Scott Merrick, former member from Lancaster, Rachel Merrick Maggs, and Carol Spinrad, son, daughter and mother of Rep-elect Merrick. Sydni Garrity, wife of Rep-elect James Garrity. Gary Ohm and Vincent Gillis, brother and brother-in-law of Rep-elect Ohm. Irene Scott, Pam Silva, Aaron Silva, Dave MacLaughlin, Anthony Schepisi, Rick Lauria, Karen and Paul Thoman, guests of Rep-elect Silva. Kelleigh and Alexandra Murphy, wife and daughter of Rep-elect Keith Murphy. Carol Croteau, guest of Rep-elect Schlachman. Roxanne, Ruth, Brendan, Leonard and Charles O'Brien, Helen Rowe, Susan Meade, Zoe Fimble, Roger Langevin, Robert Sullivan, Kevin Stewart, Mark and Dawn Shearholdt and Jack Kimball, wife, mother, son, brothers and guests of Rep-elect O'Brien. Alan Cail, husband of Rep-elect Cusson-Cail. Dewey and Jordan Oligny, father and son of Rep-elect Oligny. Terri Kappler, wife of Rep-elect Kappler. Antoinette Palmer, wife of Rep-elect Stephen Palmer. John Weeden, father of Rep-elect Weeden. Patricia Fleck, wife of Rep-elect Fleck. Cheryl Cataldo and Joshua Whitehouse, wife and guest of Rep-elect Cataldo. Lois Hofemann and Catherine Sorenson, wife and daughter of Rep-elect Hofemann. Lorna Willette, wife of Rep-elect Willette. Sharron Smith and Rosemary Holmes, wife and sister-in-law of Rep-elect Edwin Smith. Jasmyn Richardson, wife of Rep-elect Jon Richardson. Aaron and Lindsey Rago, children of Rep-elect Lauer-Rago. Sheila Peterson, Karen Simpson, Mike and Zoe Fimbel and Hon. Nancy Elliott, former member from Merrimack, daughter and guests of Rep-elect Peterson. Peggy McCarthy, wife of Rep-elect Michael McCarthy. David and Marilyn St. Cyr, parents of Rep-elect St. Cyr. Diann Pitre and Kimberley Brackett, wife and daughter of Rep-elect Pitre.

OATH OF OFFICE

Governor John H. Lynch, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors Raymond S. Burton, John D. Shea, Beverly A. Hollingworth, Raymond J. Wiczorek and Debora B. Pignatelli. The members-elect, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution of the State of New Hampshire.

The Governor and Executive Councilors retired.

ELECTION OF HOUSE SPEAKER

The Chair declared that nominations for Speaker were in order.

Rep. Chandler placed the name of Rep. William L. O'Brien in nomination for Speaker.

Rep. Reagan seconded the nomination.

Rep. Shurtleff placed the name of Rep. Terie Norelli in nomination for Speaker.

Rep. Baroody seconded the nomination.

Rep. Norelli addressed the House, withdrew as a candidate for Speaker and moved that nominations be closed.

Without objection, the Chair closed nominations. Rep. William L. O'Brien was declared the duly-elected Speaker of the House for the 2011-2012 biennium.

The Sergeant-at-Arms-elect escorted Speaker O'Brien to the rostrum. The Speaker addressed the House.

(Speaker O'Brien in the Chair)**MOTION TO PRINT REMARKS**

Rep. Reagan moved that the remarks made by Speaker O'Brien and Rep. Norelli be placed in the Permanent Journal.

Adopted.

REMARKS BY REPRESENTATIVE NORELLI

Representative Norelli: Good Morning everyone. Thank you and congratulations to all of you that have been elected to the General Court. I remember fondly being in the position of many of you back in 1996 when I was first elected to the New Hampshire House of Representatives. Since that time I have truly been awed by those that have preceded us and those that have served with us and their continuing commitment to maintaining the decorum and the reverence of this legislature. Over the past four years it has been my honor and my distinct pleasure to serve as the Speaker of this body. During that time it was my goal to uphold the respect, dignity and civility that has been a staple of this institution and I stand here proudly in the belief that this aspiration was fulfilled. Although there has been a change in the make up of the House, I still believe that we share a common goal to preserve what is so special about this state and also a desire to make it a better place to live for all of the constituents that we represent. After all, that is why we were sent here, to do what is best for all Granite Staters, regardless of their socioeconomic status or for that matter their political affiliation, by working together to promote policies that better our communities. Since taking the gavel in 2006, I strived to be fair while simultaneously working to advance the ideals that New Hampshire holds so dear. Be it protecting individual liberties and rights, assisting those that count on us most, acting in a responsible and a transparent fashion or enshrining in law our long-standing tradition of giving equal opportunity to all New Hampshire citizens, I believe that this balance was met with great success. Today, New Hampshire is on solid footing and continues to survive the greatest recession since the Great Depression better than most states. In fact, we are leading the economic recovery, not just regionally, but across the nation. We now have laws in place that fully embrace the "Live Free or Die" motto that has made our state so famous. In the coming weeks and months it is my belief that we can build on this progress by continuing to preserve what makes New Hampshire the envy of so many other states all across our country. By working together this can be accomplished and we can and will continue to move New Hampshire forward. As the Representative from Bartlett said, "There is a time and a place for partisanship," but with serious issues to address, it is my hope that each and every one of us will roll up our sleeves in a productive manner to work together for the people of New Hampshire. I want to thank you again, both for the opportunity of having served as the Speaker of the House for these past four years and also for being placed in nomination. I do, however, respectfully decline the nomination and Madam Chair, I would ask to be recognized for a motion.

Chair: Rep. Norelli is recognized for a motion.

Representative Norelli: I move that nominations for Speaker be closed.

REMARKS BY SPEAKER O'BRIEN

Speaker O'Brien: Thank you and please be seated. Speaker Chandler, Speaker Norelli, Republican Leader Packard, my fellow House Members and guests, I apologize for taking so long to reach the podium. The Sergeant-at-Arms had to travel very deep into the darkest backbenches to find me. I do hope, however, that my predecessors noted with satisfaction that I didn't jump over the seat in Division 3. I will try as hard as they did to discourage such truly egregious behavior. I will miss sitting in those far-off seats surrounded by friends from both parties. I do hope, however, that those of us in the back of Division 3 this last session exhausted all possible humor about leadership. If not, I suspect that I will be providing some fodder of my own. I want to state my appreciation to my colleagues from across the aisle for the speakership vote. Let me again, perhaps for the last time, but certainly with heartfelt thanks, thank you, Madam Speaker. My congratulations to all of you for having received the confidence of your constituents. With their votes, however, has come a clear and unmistakable message. It was not a message of partisan victory and loss; it was a message for an effective, limited, respectful and responsive state government. Our constituents want a government that works for them and not against them. They want a government of public servants and not elite rulers. They want a government that stands with citizens and not over them. They want a government that has not abandoned the common fiscal sense that we bring to our own lives and

that we see when we attend our town meetings and our city hall sessions. They want their government back. Any political party delivering on these needs will do. We ignore their message at our political peril, but if we ignore this message, our state will continue to slip towards mediocrity. We have been honored by our constituents to be their public servants. They are relying on us to fix the substantial fiscal challenges facing our state, both long-term and short-term. Each of us can choose to contribute solutions or stand as an obstacle. It seems so easy these days to mischaracterize and then demonize political opponents. Voters, however, have shown they have the means and the intelligence to detect and reject such behavior. They have always deserved more. They now demand more. They want the naysayers to become problem solvers. Contributing to solutions doesn't mean abandoning principles. It does require listening, respecting the fact that each one of us cares deeply about our state, and knowing that we are all seeking what is right, as we see it, for our neighbors and fellow citizens. So I ask you to bring your political principles to your committee hearings and to House debates, but please also bring respect for your colleagues and most certainly bring solutions and not condemnations. The people have a right to have their agenda and not personal agendas drive our debates. Leave the rhetoric of disparagement, mistrust and indignation to the editorial pages and to the blogs. If we do this, we will do what is right for New Hampshire. If we do this, we will give our state a legislature that is as great and wonderful as our people and if we do this, we will recapture the New Hampshire Advantage. Thank You.

ELECTION OF HOUSE OFFICERS

The Speaker declared nominations were in order for Clerk of the House.

Rep. Jasper placed in nomination the name of Karen Wadsworth for Clerk of the House.

Reps. Long and Ingretson seconded the nomination.

Without objection, the Speaker closed nominations and cast one ballot for Karen Wadsworth and declared her the duly-elected Clerk of the House for the 2011-2012 biennium.

The Speaker declared nominations were in order for Sergeant-at-Arms.

Rep. Packard placed in nomination the name of Walter Sword for Sergeant-at-Arms.

Rep. Gary Richardson seconded the nomination.

Without objection, the Speaker closed nominations and instructed the Clerk to cast one ballot for Walter Sword and declared him the duly-elected Sergeant-at-Arms of the House for the 2011-2012 biennium.

The Speaker administered the oath of office to Karen Wadsworth and Walter Sword.

RESOLUTION

Reps. Tucker and Norelli offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet with the Senate in Joint Convention for the purposes of electing a Secretary of State and a State Treasurer. Adopted.

SENATE MESSAGES

The Senate has organized and elected as its officers: Sen. Peter Bragdon, President of the Senate; Tammy L. Wright, Clerk.

The Senate, having organized, is ready to meet with the Honorable House of Representatives in Joint Convention for the purposes of electing a Secretary of State and a State Treasurer.

JOINT CONVENTION **(Speaker O'Brien presiding)**

The Speaker called the Joint Convention to order.

The Chair declared nominations were in order for Secretary of State.

Sen. D'Allesandro placed the name of William M. Gardner in nomination for Secretary of State.

Sen. Barnes seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for William M. Gardner.

The Chair declared William M. Gardner the duly-elected Secretary of State for the 2011-2012 biennium.

The Chair declared nominations were in order for State Treasurer.

Rep. Lynne Ober placed the name of Catherine Provencher in nomination for State Treasurer.

Rep. Bouchard seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Catherine Provencher.

The Chair declared Catherine Provencher the duly-elected State Treasurer for the 2011-2012 biennium.

The Chair administered the oath of office to William M. Gardner and Catherine Provencher. William M. Gardner and Catherine Provencher addressed the Joint Convention.

Sen. Bradley and Rep. Tucker moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION

The Speaker reconvened the House session.

Reps. Tucker and Norelli offered the following:

HOUSE RESOLUTION NO. 1

RESOLVED, that the House adopt the Rules of the 2010 session with Rule 64 deadlines prospective only, for the 2011-2012 biennium.

Adopted.

Reps. Tucker and Norelli offered the following:

HOUSE RESOLUTION NO. 2

RESOLVED, that all action taken at all sessions of the House of Representatives be recorded on tapes through the public address system and that the tapes be used by the Clerk to confirm and correct the Permanent Journal. The Permanent Journal as prepared by the Clerk and as may be corrected by the House shall be the official record of the House.

Adopted.

Reps. Tucker and Norelli offered the following:

HOUSE RESOLUTION NO. 3

RESOLVED, that the following policy be established for the distribution of House calendars and journals, bills and resolutions to members of the General Court and state departments:

1. Every citizen is entitled, free of charge, to one copy of any publication at the legislative counter or to have the publication mailed to that person upon individual request for one such copy.
2. Persons requesting copies for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated when service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.
3. All fees charged for publications in accordance with this resolution shall be fixed with the approval of the Speaker, paid into the state treasury and credited to the legislative appropriation.

Adopted.

Reps. Tucker and Norelli offered the following:

HOUSE RESOLUTION NO. 4

RESOLVED, that the Speaker may employ such personnel as he may deem necessary and, with the approval of the House subcommittee of the Committee on Legislative Facilities, may fix their compensation in accordance with RSA 17-E:5.

Adopted.

Reps. Tucker and Norelli offered the following:

HOUSE RESOLUTION NO. 5

RESOLVED, that the members will be paid their legislative salary, as provided in the Constitution, in the month of January 2011, and that mileage of members of the House of Representatives be paid every two weeks during the session.

Adopted.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of resolutions be by caption only and that all resolutions be read a third time and passed and when the House adjourns today it be to convene on Wednesday, January 5, 2011.

Adopted.

The Speaker appointed Standing Committees of the House as follows:

CHILDREN AND FAMILY LAW

REPUBLICANS

Moran, Edward P., **Chairman**
Hogan, Edith A., **Vice Chairman**
Brown, Julie M.
Gargas, Carolyn M.
Dowling, Patricia A.
Johnson, Jane B.
DeSimone, Debra L.
Katsakiores, Phyllis M.
Sapienza, Marie N.
Soucy, Connie M.
Perkins, Amy S.
Oigny, Jeffrey D.
Robbins, David S.

DEMOCRATS

Grassie, Anne C.
Gould, Franklin F.
Lovejoy, Patricia T.
Porter, Marjorie A.

COMMERCE AND CONSUMER AFFAIRS

REPUBLICANS

Hunt, John B., **Chairman**
Coffey, Jennifer R., **Vice Chairman**
Belanger, Ronald J.
Flanders, Donald H.
Quandt, Matt J.
Headd, James F.
Nevins, Chris F.
Palfrey, David J.
Sullivan, James M.
Bergevin, Jerry E.
Manuse, Andrew J.
Mauro, Donna C.
McGuinness, Sean M.
Rice, Frederick C.

DEMOCRATS

Taylor, Kathleen N.
Meader, David R.
Gidge, Kenneth N.
Schlachman, Donna L.

CONSTITUTIONAL REVIEW AND STATUTORY RECODIFICATION

REPUBLICANS

Itse, Daniel C., **Chairman**
Cebrowski, John W., **Vice Chairman**
Cartwright, Anne S.
Cohn, Seth
Davenport, Joshua C.
Huxley, Robert J.

DEMOCRATS

Serlin, Christopher W.
Katsiantonis, Thomas
Richardson, Gary B.
Coulombe, Gary M.
Schmidt, Andrew R.

Krasucki, Joseph F.
Luther, Robert A.
Peckham, Michele S.
Reichard, Kevin E.
Weeden, Michael W.
Whitehead, Randall A.

CRIMINAL JUSTICE AND PUBLIC SAFETY

REPUBLICANS

Swinford, Elaine B., **Chairman**
Gagne, Larry G., **Vice Chairman**
Welch, David A.
Fields, Dennis H.
Fesh, Robert M.
Charron, Gene P.
Villeneuve, Moe
Antosz, Jason P.
Greazzo, Phil J.
Kreis, Kenneth, Sr.
Parsons, Robbie L.
Tasker, Kyle J.
Warden, Mark

DEMOCRATS

Pantelakos, Laura C.
Berube, Roger R.
Shurtleff, Stephen J.
Ginsburg, Philip E.

EDUCATION

REPUBLICANS

Balboni, Michael A., **Chairman**
Boehm, Ralph G., **Vice Chairman**
Hutchinson, Karen K.
Ladd, Rick M., Jr.
Fleck, Joseph W.
St. Cyr, Jeffrey L.
Brosseau, Charles J.
Greemore, Robert H.
Hill, Gregory
Hoell, Joseph W.
Jones, Laura M.
Lauer-Rago, Kathleen A.
Pitre, Joseph A.

DEMOCRATS

Gile, Mary Stuart
Shaw, Barbara E.
Gorman, Mary J.
Frazer, June M.

ELECTION LAW

REPUBLICANS

Bates, David, **Chairman**
Scala, Dino A., **Vice Chairman**
Drisko, Richard B.
Jasper, Shawn N.
Hoelzel, Kathleen M.
Doherty, Shaun S.
Eaton, Stephanie
Birdsell, Regina M.
Byrnes, John J.
DeJong, Cameron W.
DeLemus, Susan C.
Erickson, Duane, H.
Reilly, Harold T.
Thomas, Joseph D.

DEMOCRATS

Cote, David E.
Pierce, David M.
Brunelle, Michael D.
Gimas, John G.

ENVIRONMENT AND AGRICULTURE**REPUBLICANS**

Haefner, Robert H., **Chairman**
 Groen, Warren J., **Vice Chairman**
 Messier, Irene M.
 Babson, David L.
 Knox, J. David
 Gandia, Laura J.
 Palmer, Stephen J.
 Comtois, Guy
 Malone, Robert J.
 Mecheski, Holly L.
 O'Connor, John T.
 Sheffert, Kenneth W.
 Swank, Matthew, J.

DEMOCRATS

Sad, Tara
 Owen, Derek
 Powers, James F.
 Smith, Suzanne J.
 Townsend, Charles L.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION**REPUBLICANS**

McGuire, Carol M., **Chairman**
 Hawkins, Ken, **Vice Chairman**
 Sytek, John J.
 Day, Russell C.
 Gould, Kenneth H.
 Pratt, Calvin D.
 Vita, Carol M.
 Perkins, Lawrence B.
 Winter, Steven J.
 Bowers, Spec
 Brown, Paul E.
 Hansen, Peter T.
 Proulx, Mark L.

DEMOCRATS

Schmidt, Peter B.
 Pilotte, Maurice L.
 Jeudy, Jean L.
 Sullivan, Daniel J.

FINANCE**REPUBLICANS**

Weyler, Kenneth L., **Chairman**
 Ober, Lynne M., **Vice Chairman**
 Kurk, Neal M., **Div. III Chairman**
 Emerton, Larry
 Rodeschin, Beverly T.
 Belvin, William S., **Div. I Chairman**
 Elliott, Robert J.
 Vaillancourt, Steve
 Allen, Mary M.
 Quandt, Marshall E.
 Barry, Richard W.
 Cebrowski, John W.
 Smith, William B., **Div. II Chairman**
 Sova, Charles E.
 Umberger, Karen C.
 Keane, Thomas E.
 McGuire, Dan
 Simard, Paul H.
 Twombly, Timothy L.
 Worsman, Colette

DEMOCRATS

Foose, Robert A.
 Nordgren, Sharon
 Baroody, Benjamin C.
 Benn, Bernard L.
 Lerandau, Alfred C.
 Rosenwald, Cindy

FISH AND GAME AND MARINE RESOURCES**REPUBLICANS**

Hopper, Gary S., **Chairman**
 Newton, Clifford A., **Vice Chairman**
 McKinney, Betsy
 Reed, Dennis
 Bulis, Lyle E.
 Sanders, Elisabeth N.
 McCarthy, Michael J.
 Pepino, Leo P.
 Okerman, Richard J.
 Simpson, Tyler W.
 Tremblay, Marc D.
 Webb, James C.

DEMOCRATS

Carr, Daniel P.
 Watters, David H.
 Lefebvre, Benjamin P.
 Patten, Dick W.
 Roberts, Jenna J.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**REPUBLICANS**

Reagan, John M., **Chairman**
 Kotowski, Frank R., **Vice Chairman**
 Pilliod, James P.
 Emerson, Susan
 McMahon, Charles E.
 Barry, J. Gail
 Millham, Alida I.
 Case, Frank G.
 Cusson-Cail, Kathleen J.
 Donovan, Daniel A.
 Fredette, Robert A.
 LeBrun, Donald L.
 Schmidt, Stephen J.

DEMOCRATS

MacKay, James R.
 Merrick, Evalyn S.
 DiPentima, Rich T.
 Harding, Laurie
 Deloge, Helen M.

JUDICIARY**REPUBLICANS**

Rowe, Robert H., **Chairman**
 Sorg, Gregory M., **Vice Chairman**
 Souza, Kathleen F.
 Hagan, Joseph M.
 Silva, Peter L.
 Andolina, Donald C.
 Giuda, J. Brandon
 LaCasse, Paul D.
 McClarren, Donald B.
 Murphy, Brian J. X.
 Palmer, Barry J.
 Peterson, Lenette M.
 Tregenza, Norman A.
 Wheaton, Gary W.

DEMOCRATS

Wall, Janet G.
 Potter, Frances D.
 Weber, Lucy M.
 Watrous, Rick H.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**REPUBLICANS**

Daniels, Gary L., **Chairman**
 Infantine, William J., **Vice Chairman**
 Richardson, Herbert D.
 Pellegrino, Tony J.
 Sedensky, John B.
 Flanagan, Jack B.
 Laware, Thomas W.

DEMOCRATS

Goley, Jeffrey P.
 Weed, Charles F.
 Rice, Chip L.
 White, Andrew A.

Leonard, Frederick F.
 Seaworth, G. Brian
 Simmons, Tammy A.
 Smith, Steven D.
 Sullivan, Kevin P.
 Ward, Joanne A.

LEGISLATIVE ADMINISTRATION

REPUBLICANS

Mirski, Paul, **Chairman**
 Comerford, Timothy, **Vice Chairman**
 Gonzalez, Carlos E.
 Kidder, David H.
 Garcia, Marilinda J.
 Tobin, William B.
 Ball, J. Michael
 Beattie, Thomas L.
 Bradley, Lester W.
 Brown, Kevin J.
 Condra, William F.
 Duarte, Joe B.
 Harty, Martin C.
 Richardson, Jon F.
 Ritter, Glenn F.

DEMOCRATS

Browne, Brendon S.
 Pelletier, Marsha L.
 Wallner, Mary Jane
 Chase, Cynthia L.
 Johnsen, Gladys

MUNICIPAL AND COUNTY GOVERNMENT

REPUBLICANS

Ferrante, Beverly A., **Chairman**
 Sterling, Franklin W., **Vice Chairman**
 Patten, Betsey L.
 Lockwood, Priscilla P.
 Accornero, Harry
 Belanger, James P.
 Burt, John, A.
 Coffey, James E.
 Copeland, Timothy D.
 Moore, Robert W.
 Munck, Philip L.
 Shackett, Jeffrey S.
 Stroud, Kathleen M.

DEMOCRATS

DeStefano, Stephen T.
 Roberts, Kris E.
 Hooper, Dorothea D.
 Tatro, Bruce L.

PUBLIC WORKS AND HIGHWAYS

REPUBLICANS

Chandler, Gene G., **Chairman**
 Seidel, Carl W., **Vice Chairman**
 Smith, Edwin O.
 Graham, John A.
 Gionet, Edmond D.
 McConkey, Mark E.
 Tilton, Franklin T.
 Kolodziej, Walter
 Buxton, Michael P.
 Maltz, Jonathan S.
 Smith, Molly J.
 Terrio, Ross W.
 Waterhouse, Kevin K.

DEMOCRATS

Bouchard, Candace C. W.
 Campbell, David B.
 Long, Patrick T.
 Sprague, Dale R.
 Ramsey, Peter E.

REDRESS OF GRIEVANCES**REPUBLICANS**

Ingbretson, Paul C., **Chairman**
 Willette, Robert F., **Vice Chairman**
 Avard, Kevin A.
 Brownrigg, Randy S., Jr.
 Champagne, Norma G.
 Chirichiello, Brian K.
 Hardwick, Harry B.
 Lambert, George A.
 Moore, Charles E.
 Tremblay, Stella S.
 Waddell, James A.

DEMOCRATS

Keans, Sandra B.
 Garrity, Patrick F.
 Horrigan, Timothy O.
 Lindsey, Steven W.

RESOURCES, RECREATION AND DEVELOPMENT**REPUBLICANS**

Renzullo, Andrew, **Chairman**
 Kappler, L. Michael, **Vice Chairman**
 Christensen, Chris D. L.
 Russell, David H.
 Ahlgren, Christopher J.
 Merrow, Harry C.
 Bolster, Peter S.
 Howard, Thomas J.
 Hutchinson, Winfred O.
 Lovett, Charlene M.
 Pettengill, Laurie P.
 Schroadter, Adam R.

DEMOCRATS

Spang, Judith T.
 Parkhurst, Henry A. L.
 Moody, Marcia G.
 Aguiar, James D.
 Thomas, Yvonne D.

RULES**REPUBLICANS**

O'Brien, William L.
 Tucker, Pamela Z.
 Bettencourt, David J.
 Chandler, Gene G.
 Jasper, Shawn N.
 Stepanek, Stephen B.
 Weyler, Kenneth L.

DEMOCRATS

Norelli, Terie
 Wallner, Mary Jane

SCIENCE, TECHNOLOGY AND ENERGY**REPUBLICANS**

Garrity, James M., **Chairman**
 Holden, Frank R., **Vice Chairman**
 Introne, Robert E.
 Cataldo, Sam A.
 Devine, James E.
 Remick, William J.
 Rappaport, Laurence M.
 Cox, Sean C.
 MacMahon, Bruce A.
 O'Connor, William H.
 Panek, William D.
 Parison, James A.
 Summers, James D.

DEMOCRATS

Kaen, Naida L.
 Cali-Pitts, Jacqueline A.
 Read, Robin P.
 Levasseur, Nickolas J.
 Pastor, Beatriz

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS**REPUBLICANS**

Baldasaro, Alfred P., **Chairman**
 Blankenknecht, Lynn F., **Vice Chairman**
 Christiansen, Lars T.
 Smith, Todd P.
 Cunningham, Steven L.
 Kingsbury, Robert P.
 Larsen, Kirsten L.
 Lundgren, David C.
 McCarthy, Frank H.
 Notter, Jeanine M.
 Tamburello, Daniel J.
 Vita, Lucien A.

DEMOCRATS

Rokas, Theodoros V.
 Domingo, Baldwin M.
 Hofemann, Roland P.
 Theberge, Robert L.
 Spainhower, Dale S.

TRANSPORTATION**REPUBLICANS**

Packard, Sherman A., **Chairman**
 Hikel, John A., **Vice Chairman**
 Hinch, Richard W.
 Tholl, John E.
 Coughlin, Sean E.
 Dwinell, Richard J.
 Hogan, Timothy J.
 Jones, Kyle D.
 Lindsley, Mark H.
 Marcus, Bruce G.
 Reed, Michael T.
 Scentsas, Lisa E.

DEMOCRATS

Rhodes, Brian D.
 Williams, Robert W.
 Cloutier, John R.
 Gagnon, Raymond G.
 Hawkes, Samuel L.

WAYS AND MEANS**REPUBLICANS**

Stepanek, Stephen B., **Chairman**
 Major, Norman L., **Vice Chairman**
 Griffin, Mary E.
 Hess, David W.
 Sapareto, Frank V.
 Ulery, Jordan G.
 Osgood, Joe G.
 Ober, Russell T.
 Abrami, Patrick F.
 Azarian, Gary S.
 Daugherty, Duffy
 McDonnell, John J.
 Murphy, Keith
 Ohm, Bill
 Sanborn, Laurie J.
 Shuler, Wyman E.

DEMOCRATS

Almy, Susan W.
 Hamm, Christine C.
 Butynski, William
 Hatch, William A.
 Cooney, Mary R.

ADJOURNMENT

The Organizational session of the 2011-2012 House of Representatives adjourned at 12:17 p.m.

HOUSE JOURNAL No. 2

Wednesday, January 5, 2011

The House assembled at 10:00 a.m. and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by guest Chaplain, Reverend Roger Boucher of Gilmanton Iron Works. Eternal Father, strong to save, whose arm reaches throughout the universe, we invoke Your name upon this two thousand and eleven session of this revered and deliberative body. We are thankful for the right to live free and to transfer our respect for government and dedicated service from year to year so that we may work together for the common good. We humbly ask, then, only one thing: that the pulse of Your life may enhance the wisdom and courage of our own and that each man and woman in this chamber may benefit from Your strength so as to protect the innate freedoms You have given each citizen of our great state. May the tasks and purposes of this new session, as always, derive goodness from Your hand so that we may foster the life and human dignity of all those we serve. In Your name we pray. Amen.

Representative Gary Hopper, member from Weare, led the Pledge of Allegiance.

The National Anthem was sung by Lisa Itse, wife of Rep. Itse.

LEAVES OF ABSENCE

Reps. Drisko and Soltani, the day, illness.

Reps. Brendon Browne, Doherty, Headd, Pepino, Todd Smith, Spainhower and Wallner, the day, important business.

Reps. Baroody and Pierce, the day, death in the family.

INTRODUCTION OF GUESTS

Fernanda Contreras Casas, guest of Rep. Merrow. Joseph Cartwright, Isabelle, Olivia and Claire Serrano and Elaine Kirby, husband, granddaughters and sister of Rep. Cartwright. Doreen Thomas, Fred and Catherine Shea and Frank and Sue Desorts, wife and guests of Rep. Joseph Thomas. Christopher Messier, son of Rep. Messier. Hon. Lynne Blankenkober, Rep-elect from Concord, guest of the Speaker.

COMMUNICATION

December 2, 2010

The Honorable William L. O'Brien
Speaker of the House
Room 312 – State House
107 North Main Street
Concord, NH 03301

Dear Speaker O'Brien:

Please accept my resignation from the New Hampshire House of Representatives, effective immediately. It has been a privilege to represent the citizens of Hillsborough County, District 4, for the last four years. I now look forward to my new role as Chief of Staff in your administration.

Thank you very much.

Sincerely,
Representative Robert D. Mead
Hillsborough County, District 4

COMMUNICATION

December 1, 2010

Karen Wadsworth
Clerk of the NH House of Representatives
State House
Concord, N.H. 03301

Dear Karen:

The following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Hillsborough County Dist. 17, Carlos Gonzalez, r, Manchester (1630 Front Street) 03105

Strafford County Dist. 5, B. Dom Domingo, d, Dover (5 Birch Drive) 03820

Belknap Country Dist. 5, Peter S. Bolster, r, Alton (30 Stone Wall) 03809

Sincerely,
Karen Ladd, Assistant Secretary of State

COMMUNICATION

December 8, 2010

Karen Wadsworth
Clerk of the NH House of Representatives
State House
Concord, N.H. 03301

Dear Karen:

The following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Belknap County Dist. 5, James P. Pilliod, r, Belmont (504 Province Road) 03220

Carroll County Dist. 4, Dave Knox, r, Wolfeboro (PO Box 102) 03894

Rockingham County Dist. 15, James A. Waddell, r, Hampton (190 Kings Hwy A-8) 03842

Strafford County Dist. 7, Judith T. Spang, d, Durham (55 Wiswall Road) 03824

Sincerely,
Karen Ladd, Assistant Secretary of State

COMMUNICATION

December 20, 2010

Karen Wadsworth
Clerk of the NH House of Representatives
State House
Concord, N.H. 03301

Dear Karen:

The following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Coos County Dist. 4, Robert L. Theberge, d, Berlin (30 Oxford Street) 03570

Hillsborough County Dist. 8, Daniel J. Sullivan, d, Manchester (172 Arah Street) 03104

Sincerely,
Karen Ladd, Assistant Secretary of State

RESOLUTION

Reps. Tucker and Norelli offered the following: **RESOLVED**, that the House of Representatives inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.

Adopted.

SENATE MESSAGE

The Senate is now ready to meet with the Honorable House of Representatives in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.

JOINT CONVENTION
(Speaker O'Brien presiding)

RESOLUTION

Rep. Tucker and Sen. Bradley offered the following: RESOLVED, that the Honorable Secretary of State be requested to lay before the Joint Convention the return votes for Governor and Executive Council.

Adopted.

In accordance with Article 42, Part 2 of the New Hampshire Constitution, David M. Scanlan, Deputy Secretary of State, appeared before the joint convention and presented the return of votes for Governor and the Executive Council cast in the General Election held November 2, 2010 as follows:

FOR GOVERNOR

	John H. Lynch, d	John Stephen, r	John J. Babiarez, lib
Belknap	11,021	11,008	537
Carroll	10,003	9,895	398
Cheshire	15,429	10,082	592
Coos	5,699	4,590	293
Grafton	18,618	11,898	857
Hillsborough	65,183	62,704	2,601
Merrimack	31,929	21,548	1,445
Rockingham	51,714	53,049	2,064
Strafford	22,807	14,639	931
Sullivan	<u>7,943</u>	<u>6,203</u>	<u>371</u>
TOTALS	240,346	205,616	10,089

John H. Lynch, having a plurality of 34,730 votes, was elected.

FOR EXECUTIVE COUNCILORS**First District**

Raymond S. Burton, r	59,301
Beth Funicella, d	<u>29,311</u>
Plurality for Burton	29,990

Second District

Dan St. Hilaire, r	52,608
John D. Shea, d	<u>37,128</u>
Plurality for St. Hilaire	15,480

Third District

Christopher Sununu, r	53,053
Beverly A. Hollingworth, d	<u>41,875</u>
Plurality for Sununu	11,178

Fourth District

Raymond J. Wieczorek, r	54,151
Bob Bruce, d	<u>23,490</u>
Plurality for Wieczorek	30,661

Fifth District

Dave Wheeler, r	44,171
Debora B. Pignatelli, d	<u>38,259</u>
Plurality for Wheeler	5,912

RESOLUTION

Rep. Tucker and Sen. Bradley offered the following: RESOLVED, that the vote for Governor and Executive Council be referred to a committee consisting of two on the part of the Senate and three on the part of the House to compare and count the same and report thereon.

Adopted.

The Chair appointed Reps. Tucker, Bettencourt and Norelli and Sens. Bradley and Larsen.

Rep. Tucker and Sen. Bradley moved that the Joint Convention arise.
Adopted.

The Joint Convention adjourned.

HOUSE SESSION

The Speaker reconvened the House Session.

Rep. Bettencourt moved the adoption of the amendment to House Rules, as proposed by the Rules Committee.

2011 – 2012 HOUSE RULES

DUTIES OF THE SPEAKER

1. Calling the body to order.
2. Decorum, order and appeal.
3. Appointing committees.
4. Referral of bills, etc., to committees.
5. Voting: conditions of.
6. Signing of bills, warrants, subpoenas, etc.
7. Authority to clear gallery.
8. Designating a substitute to preside.

DECORUM AND DEBATE

9. Members to be seated and activate voting stations.
10. Mason's Manual of Legislative Procedure as parliamentary guide.
11. Members: shall rise to address Speaker.
12. Members: first rising shall speak first.
13. Members: speaking more than twice.
14. Members: walking in front of podium prohibited.
15. Members: questions of order.
16. Ethics Guidelines.
17. Persons permitted on floor/in anteroom during session.
18. Petitions.
19. Motions: in possession of House.
20. Motions: order of precedence; to table CACR; to Indefinitely Postpone; amendment as substitute motion.
21. Previous question.
22. Voting: by voice, division and roll call; must be present when question put; seconding roll call request; voting stations; members required to vote.
23. Tie vote, question lost.
24. Leaving seats prohibited during voting.
25. Reconsideration.
26. Objection to reading paper/document.
27. Absences.

COMMITTEES AND THEIR DUTIES

28. Composition; appointment.
29. Serving in accordance with Ethics Guidelines.
30. Committee names and duties.
31. Reporting; meeting.
32. Designating the chairman.
33. Committee reports other than by bill.
34. Appointing an additional committee.

BILLS

35. Filing drafting requests; adjudication of disagreements.
1st-year session: limitation and publication of killed bills.

2nd-year session: drafting/introduction prohibition of legislation similar to that indefinitely postponed, voted inexpedient to legislate or made the subject of a statutory study committee in 1st-year session or retained in committee for action.

36. Drafting by Office of Legislative Services: preparation; fiscal notes; bill numbering; state-agency bills; sponsors and limitation of; money bill definition; chapter study committee duration and membership.
37. Drafting: deadline reference.
38. Sign off: deadline reference; 10-day period; failure to sign off; withdrawal of LSR prior to introduction; withdrawal of bill following introduction.
39. Joint resolutions.
40. Introduction of bills prior to and after deadline; exceptions; by Rules Committee; by House.
41. Three readings.
42. Clerk to provide Chairman's copies, bill copies for distribution.
43. Hearings and notices.
44. Reporting of bills; committee reports; retained bills; Interim Study as a 2nd-year report; printing of committee reports and amendments; Part I, Article 28-a Constitutional compliance.
45. Amending bills; non-germane amendments; majority reports considered first.
46. Bills appropriating state money; affecting state revenues, fees, licensure and/or certification, criminal penalties, state bonding authority; second-committee referrals to Finance, Ways & Means, Executive Departments & Administration, Criminal Justice & Public Safety, Public Works and Highways; chairman may decline bill referral.
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DEFINITIONS

Resolutions: four types.

DUTIES OF THE SPEAKER

1. Calling the body to order. The Speaker shall take the chair at precisely the hour to which the House has adjourned and shall immediately call the members to order.
2. Decorum, order and appeal. The Speaker shall preserve decorum and order, may speak on points of order in preference to other members, and shall decide questions of order. The decision of the Speaker on a question of order shall be conclusive unless the decision is immediately appealed to the House. The House shall decide the appeal by a majority vote of those members present and voting.
3. Appointing committees. The Speaker shall appoint all committees unless otherwise directed by the House, subject to the provisions of Rule 28. The Speaker may substitute members of committees.
4. Referral of bills, etc., to committees. The Speaker shall refer all bills, resolutions, memorials, accounts, petitions and other matters coming before the House to the appropriate committees, unless otherwise ordered by the House. The Speaker may refer the same jointly to two committees or to a special committee.
5. Voting: conditions of. The Speaker shall not be called on to vote unless the vote would be decisive. If the vote is tied after the Speaker has voted, the question shall be lost as provided in Rule 23.
6. Signing of bills, warrants, subpoenas, etc. The Speaker shall sign all bills, resolutions, and addresses after passage or enrollment. All warrants, subpoenas and other processes issued by order of the House shall be signed by the Speaker and attested to by the Clerk.
7. Authority to clear gallery. The Speaker or chairman of the committee of the whole House shall have the power to order the gallery cleared in cases of any disturbance or disorderly conduct.
8. Designating a substitute to preside. The Speaker shall have power to substitute any member to perform the duties of the Chair. If absent, the Speaker shall designate a member to perform the duties of the Chair unless otherwise ordered by the House.

DECORUM AND DEBATE

9. Members to be seated and activate voting stations. When the House is called to order, members shall take their seats and shall activate their voting stations immediately. When they leave their seats for any reason they shall deactivate their stations.
10. Mason's Manual of Legislative Procedure as parliamentary guide. In all cases not provided for by the Constitution, House Rules or Joint Rules, Mason's Manual of Legislative Procedure, 2000 Edition, shall be the parliamentary guide.
11. Members: shall rise to address Speaker. When any member is about to speak in debate, make a motion, or deliver any matter to the House, the member shall rise from his or her seat and respectfully address the Speaker, declaring the purpose for which the member rises to speak.
12. Members: first rising shall speak first. In all cases the member rising first shall speak first. When two or more members rise at the same time, the Speaker shall name the person to speak. When many members choose to speak, they may file their names with the Clerk, who shall supply the list to the Speaker. The Speaker shall name the order in which the members shall speak.
13. Members: speaking more than twice. No member shall speak more than twice on the same question without permission from the House. No member shall speak more than once until every member choosing to speak has spoken.
14. Members: walking in front of podium prohibited. While the Speaker is putting a question or addressing the House, no one shall walk out of or across the House. While a member is speaking, no one shall pass between that member and the other members of the House, nor shall anyone engage in private conversation.
15. Members: questions of order. If any member transgresses the rules of the House, the Speaker shall, or any member may, call the member to order. The member called to order shall immediately sit down and the question of order shall be distinctly stated by the Speaker.

16. Ethics Guidelines. In all instances, every member shall act in conformance with the duly adopted New Hampshire General Court Ethics Guidelines and opinions of the Legislative Ethics Committee.

17. Persons permitted on floor/in anteroom during session.

(a) The following persons shall be admitted within the door of the Representatives' chamber or anteroom while the House is in session: House members and officers, the Governor, Council members, the Secretary of State, the Treasurer, the President of the Senate and the Senate Clerks.

(b) No other person shall be admitted within the door of the Representatives' chamber or anteroom while the House is in session, except with the permission of the Speaker.

18. Petitions. Before any petition is received and read, the substance of the petition shall be in concise form, and the name of the member(s) presenting it shall be recorded on the petition. The Speaker shall state the substance of the petition in summary and a copy shall be placed on file with the House Clerk.

19. Motions: in possession of the House. After a motion is stated by the Speaker, it shall be in possession of the House, but may be withdrawn at any time before an amendment.

20. Motions: order of precedence; to table CACR; to Indefinitely Postpone; amendment as substitute motion.

(a) When any question is under debate, precedence of motions shall be as follows:

- (1) to adjourn;
- (2) to lay on the table;
- (3) for the previous question;
- (4) to postpone to a certain day;
- (5) to commit;
- (6) to amend;
- (7) to postpone indefinitely.

Motions to adjourn, to lay on the table, for the previous question, and to take from the table shall be decided without debate. A motion to postpone to a certain day shall be debatable both as to time and subject matter.

(b) No vote on a motion to lay on the table a Constitutional Amendment Concurrent Resolution shall pass unless approved by an affirmative vote of three-fifths of the entire House membership. No motion to indefinitely postpone a Constitutional Amendment Concurrent Resolution shall pass unless approved by an affirmative vote of three-fifths of the entire House membership.

(c) When a question is postponed indefinitely, that question shall not be acted on during the same session, unless two-thirds of those members present and voting vote in favor thereof.

(d) No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

21. Previous question.

(a) The Speaker shall put the previous question in the following form: "Shall debate now be limited?" and all debate on the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the House shall forthwith be taken on pending amendments, in their regular order, and then on the main question.

(b) All incidental questions of order arising after a motion of the previous question and related to the subjects affected by the order of the previous question shall be decided without debate.

(c) If the previous question is decided in the negative, it shall not again be in order for the particular question under consideration until after adjournment, but the main question shall be left before the House and disposed of as though the previous question had not been put.

22. Voting: by voice, division and roll call; must be present when question put; seconding roll call request; voting stations; members required to vote. There shall be three forms of deciding the question: voice vote, division vote, roll call vote. No member shall vote in any case if the member is not present when the question is put.

(a) The question put by voice vote shall be: "All those in favor of the question say "aye," and after the affirmative vote is expressed, "Those of a contrary opinion say "no."

(b) A division vote shall be taken if the Speaker doubts the voice vote or if a member calls for a division vote initially or before the Speaker announces the result of the vote. When a division of the House is taken, the Speaker may appoint a teller for each seating division of the House, who shall report to the Chair the state of the vote.

(c) A roll call shall be taken when a member moves for a roll call vote and that motion is seconded by 10 other members. The member requesting the roll call vote and the 10 members who

second the motion shall notify the clerk in writing or shall rise from their seats or otherwise be recognized by the Speaker. Whenever a roll call vote is requested and properly seconded, members shall enter the chamber to take their seats and the question shall then be put to the House.

(d) When a division or a roll call is taken, the Speaker shall put the question and open the voting stations for not more than 30 seconds. Each member present at his or her voting station shall press either the YES (Green) or NO (Red) button unless excused by the House for a special reason. After closing the vote, the Speaker shall rise and state the decision of the House.

23. Tie vote, question lost. In case of a tie vote, the question shall be lost.

24. Leaving seats prohibited during voting. No member shall leave his or her seat while the voting machine is in use and until the Speaker announces the result of the vote.

25. Reconsideration. No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side while the bill or resolution is in the possession of the House.

(a) Notice of a motion for reconsideration shall be in order only until noon on the next business day after the date that the vote was taken.

(b) Any such notice of reconsideration shall be effective for two legislative days only and thereafter shall be null and void. The day when notice is served shall be counted as the first legislative day, even if notice occurs while the House is in recess or adjournment.

(c) When notice of reconsideration is received by the House, the Clerk of the House shall hold the bill or resolution relative to which such notice has been served until the expiration of the time within which such notice is effective.

(d) Reconsideration of any bills subject to a transfer date established by joint rules must be acted upon on or before the joint rule deadline, and thereafter shall be null and void.

26. Objection to reading paper/document. When the reading of a paper or a document is objected to by a member, the question shall be determined by a vote of the House without debate.

27. Absences. All members shall attend to their duties in the House or committee, and no one shall be absent from the service of the House or committee unless the member has leave, or is sick and unable to attend.

COMMITTEES AND THEIR DUTIES

28. Composition; appointment. The membership on all standing committees and special committees of the House shall be divided between the two major political parties in the same proportion that the House membership of the majority party bears to the House membership of the minority party. No member shall serve on more than two standing committees; membership on the Rules Committee and special committees shall not be included for purposes of this calculation. The appointments to committees for the majority party shall be made by the Speaker and appointments to committees for the minority party shall be made by the Speaker with the advice of the duly appointed minority party leader. Membership on committees shall reflect a broad diversity of experience and interests. Notwithstanding the provisions of this rule, the Speaker and the minority party leader may agree on a different proportion for the membership of any particular committee.

29. Serving in accordance with Ethics Guidelines. Participation on a committee by any member shall be in accordance with the New Hampshire General Court Ethics Guidelines. If a member chooses not to participate in a committee under the New Hampshire General Court Ethics Guidelines, the Speaker may substitute another member.

30. Committee names and duties. The following standing policy committees shall be appointed at the commencement of any session and will consist of not more than 24 members, with the exception of the House Finance Committee, which will have no more than 26 members: Children and Family Law; Commerce and Consumer Affairs; Constitutional Review and Statutory Recodification; Criminal Justice and Public Safety; Education; Election Law; Environment and Agriculture; Executive Departments and Administration; Finance; Fish and Game and Marine Resources; Health, Human Services and Elderly Affairs; Judiciary; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Works and Highways; Resources, Recreation and Development; Rules; Redress of Grievances; Science, Technology and Energy; State-Federal Relations and Veterans Affairs; Transportation; and Ways and Means. The Speaker may designate divisions within committees.

(a) It shall be the duty of the Committee on Children and Family Law to consider matters relating to children and youth, their rights, obligations, and protection, including all matters covered by RSA 169-B, 169-C, and 169-D, divorce, custody and child support; the application of criminal laws and sentencing to children and such other matters as may be referred to it.

(b) It shall be the duty of the Committee on Commerce and Consumer Affairs to consider all matters pertaining to commerce, banks and banking institutions; insurance companies and contracts or insurance of any character; the licensing of businesses to sell liquor; the needs of the business community; all matters relating to consumer affairs and the economic conditions of commerce and industry; all matters relating to the economic development of the state, and such other matters as may be referred to it.

(c) It shall be the duty of the Committee on Constitutional Review and Statutory Recodification to consider matters pertaining to the recodification of existing statutes; matters of which the Speaker of the House determines a need for constitutional review; and such other matters as may be referred to the committee. In the case of Constitutional Amendment Concurrent Resolutions the standing committee shall coordinate its review with the Committee on Constitutional Review and Statutory Recodification.

(d) It shall be the duty of the Committee on Criminal Justice and Public Safety to consider all matters relating to the criminal code; criminal justice, the Department of Corrections, sentencing, drug enforcement, bail, probation, parole, corrections facilities, DWI, domestic violence, firearms, fireworks, police and fire training, victims' assistance and such other matters as may be referred to it.

(e) It shall be the duty of the Committee on Education to consider subjects relating to the regulation of school districts and schools; the postsecondary college system; the University System of New Hampshire; matters concerning education; and such other matters as may be referred to it.

(f) It shall be the duty of the Committee on Election Law to consider all matters relating to the election laws of the state, including campaign finance, the Ballot Law Commission, redistricting, and such other matters as may be referred to it.

(g) It shall be the duty of the Committee on Environment and Agriculture to consider all matters concerning agricultural and farm problems of the state, physical land use including current use, the various agricultural organizations, the protection of the state's environment from forms of pollution other than air or water pollution, waste management issues, and such other matters as may be referred to it.

(h) It shall be the duty of the Committee on Executive Departments and Administration to consider matters pertaining to the general administration of state laws and changes therein; matters of policy pertaining to the executive departments; matters relating to the New Hampshire Retirement System; matters pertaining to the administration of professional licensing; review of performance audits, and such other matters as may be referred to it.

(i) It shall be the duty of the Committee on Finance to examine and consider the state of the treasury and the budget; subjects concerning the financial interest of the state; all measures carrying appropriations of state money except claims against the state and such other matters as may be referred to it. Prior to the report of the Finance Committee to the House, the Speaker may refer the budget of certain self-sustaining state agencies to appropriate committees for study and recommendation.

(j) It shall be the duty of the Committee on Fish and Game and Marine Resources to consider all matters concerning conservation, improvement and preservation of fish, game and non-game species and marine resources within the state; and such other matters as may be referred to it.

(k) It shall be the duty of the Committee on Health, Human Services and Elderly Affairs to consider all matters concerning the health of the inhabitants of the state; vital statistics; medical and related professions; the administration of welfare activities by the state government; matters relating to the special needs of our elderly citizens and such other matters as may be referred to it.

(l) It shall be the duty of the Committee on Judiciary to consider all matters relating to the judicial system, right-to-know law, guardianships, life and death (such as abortion or assisted death), landlord/tenant rights, civil proceedings, tort law, forfeiture, immunity, and probate; and such other matters as may be referred to it.

(m) It shall be the duty of the Committee on Labor, Industrial and Rehabilitative Services to consider all matters relating to labor, wages, and workers' compensation including unemployment compensation and incentive programs, collective bargaining and binding arbitration; matters relating to job retraining and employee rehabilitative services and other matters relating to balancing the rights of employees to the needs of the industrial sector; and such other matters as may be referred to it.

(n) It shall be the duty of the Committee on Legislative Administration to consider all matters pertaining to the legislative process including mileage, elections, the journal, house resolutions and screening; enrolling bills; creation of statutory and chapter study committees and like entities which address the legislature and its procedures; and such other matters relating to legislative administration

as may be referred to the committee. Any matter referred by the chairman to any subcommittee may be reported by that subcommittee directly to the House unless otherwise ordered by the chairman.

(1) It shall be the duty of the Subcommittee on Elections to examine and report on the credentials of the members elected to serve in the House and to consider all petitions and other matters in relation to such elections or returns as shall be presented or come into question and may be referred to it.

(2) It shall be the duty of the Subcommittee on Mileage to determine the distance traveled by each member of the House and report to the House the names of the several members and the mileage allowed to each.

(3) It shall be the duty of the Subcommittee on Enrolled Bills to carefully examine each bill, enroll it, and report it, on behalf of the committee, to the body. If the examination of a bill shall disclose any clerical error or formal imperfection, it shall be reported back to the body with such amendments as are required to correct the same; and any measures so reported shall be subjected to amendment in those particulars and in no other respect.

(o) It shall be the duty of the Committee on Municipal and County Government to consider all matters pertaining to town, city and county officers; changes in municipal and county government; the boundary lines of towns, cities and counties; the creation of new towns, cities and counties; local revenue, including fees, property taxes and exemptions; and such other matters as may be referred to it.

(p) It shall be the duty of the Committee on Public Works and Highways to consider all matters pertaining to the development and repair of public highways; the Highway Fund; the Turnpike Fund; buildings and capital construction; the capital budget; matters pertaining to state bonding authority; capital expenditures related to the improvement and preservation of the coastline; the care of state memorials and monuments; and such other matters as may be referred to it.

(q) It shall be the duty of the Committee for Redress of Grievances to consider petitions for the redress of grievances submitted to the House pursuant to Part I, Articles 31 and 32 of the New Hampshire Constitution. All petitions for redress of grievances to the House must be submitted by a member of the House, and clearly and succinctly state the grievance and a proposed legislative remedy. After hearing from the member sponsoring the petition, it shall be the duty of the committee chair to determine if any petition is the proper subject of a public hearing and to limit hearings as appropriate.

(r) It shall be the duty of the Committee on Resources, Recreation and Development to consider all matters relating to natural resources, water pollution and control; parks and recreational areas; recreational industries; matters concerning state controls on property development; and such other matters as may be referred to it.

(s) It shall be the duty of the Committee on Rules to consider all matters pertaining to House procedural rules and deadlines; and to recommend rules of proper debate.

(t) It shall be the duty of the Committee on Science, Technology and Energy to consider all matters pertaining to energy, telecommunications, air pollution, the jurisdiction of the Public Utilities Commission, the application of technological advances to the legislative process and the operation of state government, to coordinate the flow of information about technical and scientific matters to state and federal agencies and legislative committees, to monitor legislation referred to other committees in order to make suggestions for inclusion of technological improvements where warranted, and such other matters as may be referred to it.

(u) It shall be the duty of the Committee on State-Federal Relations and Veterans Affairs to consider all matters pertaining to the National Guard and other military or veterans' organizations within the state, potential actions by the U.S. Congress which will have a major impact on the state and the New England region, and all proposed resolutions petitioning the Congress on any matter; to maintain communication with the congressional delegation; to serve as a liaison between the New Hampshire House and the United States Congress; emergency management; and such other matters as may be referred to it.

(v) It shall be the duty of the Committee on Transportation to consider all matters pertaining to development, operation and regulation of all means of air, land and water transportation, except for the capital improvement and repair of public highways; the motor vehicle code; and such other matters as may be referred to it.

(w) It shall be the duty of the Committee on Ways and Means to examine and consider the state of the treasury; to consider and report on all bills and resolutions relating to raising money by a

state tax and the apportionment of same; matters relating to taxes and fees on tobacco; all dedicated funds except for the highway and turnpike funds; state fees, and all methods of raising revenue for the state; and such other matters as may be referred to it. The Committee on Ways and Means shall report to the House in the form of a resolution its estimates of state revenues on a periodic basis.

31. Reporting: meeting. The committees shall promptly consider and report on all matters referred to them. It shall also be the duty of each standing committee to review audits in the subject areas for which they are responsible and to consider suggestions for recommended legislation identified in such audits and monitor compliance with audit recommendations. In the case of performance audits, the standing committee shall coordinate its review with the Committee on Executive Departments and Administration. The standing committees, or any special committees, shall meet during the session in the respective committee rooms at such times as the committee may determine, unless the House shall otherwise order. No committee shall meet while the House is in session unless the Speaker shall consider it necessary. The Speaker may authorize any committee having a heavy workload to meet as needed on non-legislative days.

32. Designating the chairman. The first-named member of any committee appointed by the Speaker shall be chairman; and in case of the chairman's absence or being excused by the House, the next-named member shall be chairman, and so on, as often as the case may happen, unless otherwise ordered by the Speaker.

33. Committee reports other than by bill. When any committee shall report in a manner other than by bill, it shall, if the subject permits, submit with its report resolutions calling for such action as the committee shall recommend.

34. Appointing an additional committee. Whenever it is not convenient for any standing committee to attend properly to all the business that has been referred to it, the Speaker may, on a vote of the House to that effect, appoint an additional committee on the same subject, to consist of the same number of members as the original committee. The new committee's duty shall be to take into consideration all matters in relation to the subject that has been referred to it by the House, and to report thereon.

BILLS

35. Filing drafting requests; adjudication of disagreements. 1st-year session: limitation and publication of killed bills; 2nd-year session: drafting/introduction prohibition of legislation similar to that indefinitely postponed, voted inexpedient to legislate or made the subject of a statutory study committee in 1st-year session or retained in committee for action.

(a) Rule 65 shall set the first day to file requests for drafting of bills with the Office of Legislative Services, including all supplementary or necessary drafting information. The Office of Legislative Services shall identify legislative services requests (LSRs) in language that makes clear the intent of the bill. LSRs, with the name(s) of the sponsor(s), shall be published by the Office of Legislative Services. The Speaker of the House shall adjudicate any disagreement concerning the publication of LSRs that may arise between bill sponsors and the Office of Legislative Services.

(b) The Office of Legislative Services shall not accept a request to draft any bill that is the same, or essentially the same, as any other drafting request already accepted. If duplicate or similar legislation is requested, the Director of Legislative Services shall notify the sponsors of each filing request and mediate an agreement for the filing of a single bill. Filing requests resulting from legislative committee work shall take precedence over all other duplicate or similar filings. The name of the House member whose LSR request is denied due to duplication may be substituted on request for that of the original sponsor if the original sponsor withdraws the drafting request prior to the sign-off deadline.

(c) Notwithstanding (a) and (b), legislation may be drafted and introduced upon receiving approval of a majority vote of the House Rules Committee on the request of any member based on urgent or compelling need or events unforeseen prior to the filing deadline, or on the request of the majority of any policy committee, or by a two-thirds vote of those House members present and voting.

(d) First-year session:

In the first-year session, there shall be no limitation on the subject matter of legislation introduced. As soon as possible after the end of the first-year session, the Clerk shall publish in the House Calendar those bills voted inexpedient to legislate or indefinitely postponed, those bills that created study committees and those bills retained in committee for action in the second-year session. The listings shall be in numerical order by bill number/title, and in committee order by bill number/title.

(e) Second-year session:

In the second-year session, no bill or resolution shall be introduced if it is substantially similar to any legislation that was indefinitely postponed or voted inexpedient to legislate by the House in the first-year session, unless it has been approved by a majority of the House Rules Committee or a two-thirds vote of those House members present and voting, whether as a bill, an amendment, a committee of conference report or in any other manner. A request shall not be accepted to draft any bill that is the same, or essentially the same, as any bill voted inexpedient to legislate, indefinitely postponed, made the subject of a statutory study committee in the first-year session, or retained in committee for action, unless approved for drafting and introduction by a majority vote of the House Rules Committee or a two-thirds vote of those House members present and voting.

36. Drafting by Office of Legislative Services: preparation; fiscal notes; bill numbering; state-agency bills; sponsors and limitation of; money bill definition; chapter study committee duration and membership.

(a) All petitions, memorials, and other papers addressed to the House and all bills and resolutions to be introduced in the House, except those house resolutions not taking a policy position that are prepared by the Clerk of the House, shall be delivered or caused to be delivered to the Office of Legislative Services by the member presenting them. The Office of Legislative Services shall prepare those bills, resolutions, petitions, memorials and other papers in proper form and shall present them to the member(s) for signature. Legislative Services shall give precedence in drafting legislation to any measure that carries a fiscal note and all such legislation shall be prepared for signature by the sponsor by the date specified in Rule 65.

(b) All bills, resolutions, petitions, memorials and other papers addressed to the House shall be endorsed with the name and the district of the legislator presenting them. All legislation shall be numbered serially according to type of legislation introduced. Each bill shall be marked on the first page "House Bill"; each joint resolution shall be marked "House Joint Resolution"; each concurrent resolution proposing a constitutional amendment shall be marked "Constitutional Amendment Concurrent Resolution"; other concurrent resolutions shall be marked "House Concurrent Resolution"; and each house resolution shall be marked "House Resolution."

(c) When a bill is requested by any state agency, the name of the agency requesting it shall appear in the bill analysis.

(d) No LSR number shall be assigned and no House bill shall be drafted unless the LSR or bill has a House sponsor. No more than ten House members shall be allowed to sponsor any bill or floor amendment. No more than 5 Senate members shall be allowed to co-sponsor legislation originating in the House. If more than ten House members wish to be sponsors, the person who first requested the drafting of the bill, house resolution, concurrent resolution, joint resolution, or constitutional amendment-concurrent resolution shall determine the names of the nine co-sponsors whose signatures are required for introduction. Other House members may be added as co-sponsors by notifying the Clerk prior to the date of the first public hearing on the proposal, and their names shall be recorded in the permanent journal of that session.

(e) If a drafting request for a bill or resolution, filed with the Office of Legislative Services, requires a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the Legislative Budget Assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal.

(f) For the purposes of these rules, money bills are those that either appropriate money or affect state revenues, whether new or existing.

(g) Any study committee, commission, task force or any other like entity created and/or authorized by chapter law shall file its report and dissolve by November 1st of the second-year session. Only legislators shall be members of any such entity.

37. Drafting: deadline reference. Every request by a member of the House for drafting a bill, house resolution taking a policy position, concurrent resolution, constitutional amendment-concurrent resolution, or joint resolution other than the general budget or the capital budget bill, which complies with these Rules, shall be accepted by the Office of Legislative Services for processing no later than the date specified by Rule 65. Each request shall be accompanied by sufficient information necessary for drafting. This deadline shall not apply to house resolutions that do not propose policy positions.

38. Sign off: deadline reference; 10-day period; failure to sign off; withdrawal of LSR prior to introduction; withdrawal of bill following introduction.

(a) The sign-off deadlines set by Rule 65 shall supersede the time limits set forth in this Rule.

(b) The sponsor of any legislation shall sign it for introduction within 10 calendar days after the draft legislation is mailed to the sponsor for approval, whether or not the fiscal note has been prepared. If the 10th day falls on a Saturday, Sunday, or holiday, the 10-day period shall expire on the subsequent working day. The Director of the Office of Legislative Services may withdraw any legislation when the sign-off deadline has not been met. The sponsor's name shall be published at least once on the "signatures needed" list in the House Calendar within the sign-off period. If the sponsor requests a redraft within the sign-off period, the sponsor shall sign the legislation for introduction within 10 calendar days after the redraft has been mailed to the sponsor. No more than one redraft per LSR may be requested during the last 10 days prior to the sign off-deadline. The sign-off deadline in section (a) shall supersede the time limits set forth in this section.

(c) If the primary sponsor signs the legislation in time for introduction, but one or more co-sponsors fails to sign, the legislation shall be introduced in the names of those sponsors who have signed. If the primary sponsor fails to sign the legislation in time for introduction, a co-sponsor may become the primary sponsor. If the primary sponsor fails to sign, and no co-sponsor wishes to become the primary sponsor, the legislation may not be introduced.

(d) An LSR may be withdrawn at any time prior to its introduction with the consent of all of its sponsors by filing a written request, signed by the sponsor and all co-sponsors, with the Clerk of the House. Any sponsor may request that his or her name be deleted as a sponsor of the bill prior to its introduction.

(e) Following its introduction, a House Bill, House Concurrent Resolution, House Joint Resolution, House Resolution or House Constitutional Amendment Concurrent Resolution may be withdrawn only by a vote of the House prior to any public hearing on the measure. A request to withdraw shall be filed in writing with the Clerk of the House and shall be signed by the prime sponsor and all co-sponsors. Such a request must be filed with the Clerk prior to noon of the second legislative day of the session, and shall be taken up by the House prior to or during the early session of the third legislative day.

39. Joint resolutions. All joint resolutions shall be treated in the same manner as bills.

40. Introduction of bills prior to and after deadline; exceptions; by Rules Committee; by House. House Bills, House Joint Resolutions, House Constitutional Amendment Concurrent Resolutions, House Concurrent Resolutions and House Resolutions proposing that the House take a policy position may be introduced at any time prior to any deadline established by the House for their introduction. Exceptions:

(a) Notwithstanding any other provisions of the Rules, a House Bill, House Joint Resolution, House Constitutional Amendment Concurrent Resolution, or House Concurrent Resolution may be introduced into the House at any time prior to the crossover date specified in Rule 65, if approved by either a majority of the Committee on Rules, or a two-thirds vote of those House members present and voting; and

(b) House Resolutions proposing that the House take a policy position may be introduced into the House at any time after the deadline for introduction of bills and resolutions if approved by either a majority of the Committee on Rules, or a two-thirds vote of those House members present and voting.

41. Three readings. Every bill, resolution, joint resolution, and concurrent resolution proposing that the House take a policy position shall have three separate readings in the House prior to its passage. The first and second readings and referral to committee shall be by title only which may be accomplished by a single motion. No bill or resolution after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills, resolutions, and joint resolutions shall be in the late session unless otherwise ordered by the House. The orders of the day for the reading of bills shall hold for every succeeding day until disposed.

42. Clerk to provide Chairman's copies, bill copies for distribution. After each bill has been numbered and referred by the Speaker to the appropriate committee, the Clerk shall provide a copy to the committee chairman and procure a sufficient number of copies for distribution.

43. Hearings and notices. A hearing shall be held on each bill referred to a committee. Notice of committee action shall be posted as follows:

(a) Public hearings shall be advertised in the House Calendar no less than 4 days prior to a hearing.

(b) Executive sessions shall be advertised in the House Calendar no less than 2 days prior to committee action or announced on the floor of the House by the Chairman of the appropriate committee.

(c) All other committee or subcommittee meetings at which decisions are made or information is received shall be advertised in the House Calendar or, if scheduled after the calendar deadline, shall be posted in the Clerk's Office and outside the committee room at least 24 hours prior to the meeting.

(d) When requested by the President of the Senate, the Speaker may authorize and direct the appropriate House committee or committees to sit with the appropriate Senate committee or committees at a public hearing of any Senate bill, and no further public hearing on such bill shall be required when such bill is received subsequently in the House from the Senate.

44. Reporting of bills; committee reports; retained bills; Interim Study as a 2nd-year report; printing of committee reports and amendments; Part I, Article 28-a Constitutional compliance.

(a) All bills in the possession of committees shall be reported out by the date specified in Rule 65 with one of the following recommendations: Ought to Pass, Ought to Pass with Amendment, Inexpedient to Legislate, Refer for Interim Study, or Recommended but to be Laid Upon the Table Because of Funding. All bills retained by a vote of the committee for action in the second-year session shall be included on a list provided to the House Clerk on or prior to the deadlines specified in Rule 65. Refer for Interim Study shall be a committee report only in the second-year session. The Committee, as its Interim Study final report, shall submit its findings and any recommendations.

(b) All committee reports on bills shall be printed in the House Calendar at least once prior to the date listed for floor action. If a bill is reported favorably with an amendment, the committee report shall describe the bill as amended. The amendment shall be printed in the House Calendar.

(c) All bills retained in committee for action shall be acted on during the second-year session.

(d) No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a violation of any article of the Constitution of New Hampshire or the Constitution of the United States of America or grant broad rulemaking authority to an agency or department. The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of this Rule.

45. Amending bills; non-germane amendments; majority reports considered first.

(a) No amendment shall be made until the second reading of a bill. All amendments to bills shall be prepared by the Office of Legislative Services, with the name of the member and the district represented by the member or the name of the policy committee proposing the amendment.

(b) No amendment shall be added to any bill, resolution, joint resolution or concurrent resolution which is not germane to the subject matter of the legislative document as referred to the Committee, unless the language of the amendment has already been passed by the House in the current session or the amendment has been the subject of a duly noticed public hearing advertised in the House Calendar or, if scheduled after the calendar deadline, posted in the Clerk's Office and outside the committee room at least 24 hours prior to the meeting. Copies of the amendment shall be available at the Sergeant-at-Arms office at least 24 hours prior to the scheduled hearing.

(c) When a bill comes before the House, the body shall first consider the printed majority report of the committee. The Speaker shall not permit a motion to substitute any permitted alternative report for the Committee Report until the House has properly disposed of the majority report.

46. Bills appropriating state money; affecting state revenues, fees, licensure and/or certification, criminal penalties, state bonding authority; second-committee referrals to Finance, Ways & Means, Executive Departments & Administration, Criminal Justice & Public Safety, Public Works & Highways; chairman may decline bill referral.

(a) All bills and joint resolutions appropriating state money shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Finance. All bills and joint resolutions affecting state revenues may, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Finance. If such bills have been referred to the Committee on Finance after report by another standing committee, the Committee on Finance may report separately and no further hearings shall be required by the Committee on Finance. Hearings on bills assigned to the Committee on Finance may, at the discretion of the chairman, be assigned to and held by the division of the committee to which the bill is assigned and no further hearing may be required.

(b) All bills and resolutions affecting state revenues and fees shall, if approved by the House when reported from the appropriate policy committee, be referred to the Committee on Ways and Means.

(c) All bills and resolutions addressing licensure and/or certification shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Executive Departments and Administration for a further report on the effect of the passage of such a bill or resolution. All those bills requiring agencies to adopt rules pursuant to RSA 541-A shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Executive Departments and Administration for a further report on the effect of the passage of such bill or resolution on rulemaking pursuant to RSA 541-A.

(d) All bills and resolutions affecting criminal penalties, if approved by the House when reported by the appropriate policy committee, shall be referred to the Committee on Criminal Justice and Public Safety.

(e) All bills affecting state bonding authority, if approved by the House when reported by the appropriate policy committee, shall be referred to the Committee on Public Works and Highways.

(f) The chairmen of committees receiving a bill or referral as outlined in this rule with the approval of the Speaker may decline the referral of any bill from another committee or, notwithstanding the provisions of Rule 43 (a), waive the public hearing on any bill referred from another committee.

(g) Nothing in this section shall require a bill be referred to more than one second committee.

47. Budget bill: Finance and Ways & Means working cooperatively. Any budget bill reported by the Committee on Finance shall contain a balanced spending plan. In the second-year session, the Committee on Finance shall hold hearings on proposed changes to the State spending plan for the current biennium and may submit a supplemental budget bill. The Committee on Finance shall work closely in cooperation with the Committee on Ways and Means at mutually agreed periodic times in determining the state income available for budgeted purposes.

48. Budget bill briefings.

(a) There shall be a detailed briefing on the general budget bill presented to the House at least two days before final action is taken on such a bill.

(b) There shall be a detailed briefing on Senate changes to the House version of the general budget bill presented to the House membership by the second session day after the establishment of a Committee of Conference. The purpose of such a briefing will be to inform the House of the Senate position on the bill and to provide a sense of the House on that position as advisory guidance to the House conferees.

49. Committee of conference reports.

(a) Whenever there is any disagreement between the House and the Senate on the content of any bill or resolution, and whenever both bodies, voting separately, have agreed to establish a committee of conference, the Speaker shall appoint four members to the House conference committee. Exceptions: (1) the House committee of conference on the operating budget shall consist of five members; and (2) the number of members of the committees of conference on any bill may increase or decrease if the presiding officers of both the House and the Senate agree.

(b) The first-named person from the body where the bill or resolution in disagreement originated shall have the authority to call the time and place for the first meeting of the committee of conference on said bill.

(c) The first-named House member on a committee of conference shall be the chairman of the House conferees. The chairman of the committee of conference of the body where the bill or resolution in disagreement originated shall chair the joint meeting(s) of the committee of conference.

(d) A committee of conference report analysis for all bills and resolutions in conference shall be prepared by the first-named House member on each conference and shall be printed in the House Calendar.

(e) A committee of conference report may be placed on the Consent Calendar only by a unanimous vote of all House conferees.

(f) No action shall be taken on any committee of conference report earlier than some subsequent day after the report has been delivered to the members' seats.

(g) A committee of conference may neither change the title of any bill submitted to it nor add amendments that are not germane to the subject matter of the bill as originally submitted to it. For the purpose of this rule, a non-germane amendment is any subject matter not contained in either the House or Senate version of the bill.

(h) The prime sponsor of any bill or resolution referred to committee of conference shall, upon request, be granted a hearing before said committee prior to action on the bill or resolution.

(i) A member of a committee of conference who has been removed for any reason and replaced with another member of the House shall have his or her name appear on the committee of conference report with a strike-through showing the individual is no longer a member of the committee of conference.

(j) The House shall not receive any committee of conference report that amends any bill with a tax or fee increased, or creates a new tax or fee, which tax or fee has not received a public hearing and an affirmative vote of the House.

50. Committees must report bills; report of No Recommendation. All committees must report all bills referred to them seven days prior to any deadline for the House to take action unless otherwise provided in Rule 65. Any bill not reported shall be placed on the calendar by the Speaker with a report of No Recommendation and the reference to committee shall be revoked.

51. Consent calendar. No bill shall be on a Consent Calendar if it has a fiscal impact or appropriation. No other bill shall be on a Consent Calendar unless the committee to which the bill was referred approves its placement on the Consent Calendar by a unanimous vote in executive session. Any member may request removal of any bill listed on the Consent Calendar. Any bill removed from the Consent Calendar shall be taken up at the conclusion of the Regular Calendar. All matters remaining on the Consent Calendar shall be acted upon without debate.

52. House rules suspension. No standing rule of the House shall be suspended unless two-thirds of the members present vote in favor thereof. A motion to suspend the rules is debatable.

53. Rescinding a House rule. No rule shall be rescinded unless two days notice of a motion has been given and two-thirds of House members present vote therefor.

COMMITTEE OF THE WHOLE HOUSE

54. Formation; chairman. The House may resolve itself into a committee of the whole at any time on the motion of a member made for that purpose. In forming a committee of the whole House, the Speaker shall leave the chair, and a chairman to preside in committee shall be appointed by the Speaker.

55. Procedure. When a bill or a resolution is committed to a committee of the whole House, the entire bill or resolution shall first be read by the Clerk, and then again read and debated by clauses, leaving the preamble of the bill to be considered last. The body of the bill or resolution shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as they are agreed to by the committee and so reported to the House. After reporting, the bill or resolution shall again be subject to debate and amendment by clauses before a question to pass it to a third reading is taken.

56. Rules of Procedure. The rules of proceeding in the House shall be observed in the committee of the whole House, as far as they may be applicable, except the rule limiting the time of speaking.

ORDER OF BUSINESS

57. Early/late sessions; leaves of absence.

(a) The order of business in the early session shall be as follows:

1. Prayer by the Chaplain or a substitute designated by the Speaker, pledge of allegiance and leaves of absence if received before the start of the legislative day;
2. Introduction of guests;
3. Petitions of members;
4. Consideration of unfinished business;
5. Introduction, first and second reading and referral of bills;
6. Messages from the Senate, the Governor and the Secretary of State;
7. Consideration of Consent Calendar items;
8. Reports from standing and select committees;
9. Resolutions, motions and notices;
10. Adjournment from the early session.

(b) The order of business in the late session shall be as follows:

1. Third reading of bills, resolutions and joint resolutions;
2. Resolutions and motions;
3. Personal privilege.
4. Adjournment to a date certain.

(c) The order of business listed in this rule shall be adhered to unless otherwise ordered by a majority of those members of the House present and voting.

(d) Leaves of absence may be granted by the House at any time.

58. Unfinished business. The unfinished business in which the House was engaged at the last preceding adjournment, if called for by any member, shall have preference over all other business except the general order of the day; and no motion, or any other business except the general order of the day, shall be received without special leave of the House, until the former is disposed.

OFFICERS AND PERSONNEL

59. Speaker shall define duties of officers and personnel. The elected and appointed non-member officers and personnel of the House shall be under the direction of the Speaker, who shall define their duties not fixed by statute or otherwise ordered by the House.

60. Expenditures approval. No officer or employee of the House during the session or any adjournment thereof shall purchase or contract to purchase, pay or promise to pay any sum of money on behalf of the House or issue any requisition or manifest without securing the approval in writing of the Speaker of the House or designee.

61. Security officer. The Speaker may appoint an individual trained and experienced in security matters or law enforcement work, who, under the supervision and direction of the Speaker, shall prevent the deliberations of the House from being disrupted or interfered with by any person or persons not members thereof.

62. Influencing legislation, prohibition of. No employee or attaché of the House Sergeant-at-Arms shall, directly or indirectly, be personally involved with or attempt to influence the passage or consideration of any measure whatsoever. If any such employee or attaché becomes involved with any such measure, it shall be grounds for summary dismissal.

MISCELLANEOUS

63. Deadly weapons; electronic devices; cameras. No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall display any deadly weapon as defined in RSA 625:11, V while in the House Chamber, anterooms, cloakrooms, or any portion of the State House adjacent to any of the above. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer appointed by the House under Rule 61 has the right to stop and search a member of the House on the premises of the House or that any person is precluded a legally permitted exercise of self-defense or defense of others. With the exception of devices for the hearing impaired, no member shall operate audible electronic transmitting and/or receiving devices nor shall any member operate a video camera or a camera utilizing flash bulbs on the floor of the House, while the House is in session.

64. Sources of Authority. The procedures of the New Hampshire House shall be derived from the following sources in the order of precedence listed:

- (a) Constitutional provisions.
- (b) Rules of the New Hampshire House.
- (c) Adopted parliamentary manual (Mason's Manual of Legislative Procedure, 2000 edition).
- (d) Custom, usage and precedent.
- (e) Statutory provisions.

DEADLINES

65. 1st-year session (2011); 2nd-year session (2012). Legislative action for the biennium shall be subject to the following deadlines:

First-Year Session Deadline Dates

Wednesday, January 12, 2011, 4:30 pm

Last day to sign off all House LSRs, including petitions, other than petitions involving the election or qualifications of a member to serve in the House.

Wednesday, January 26, 2011

Last day to introduce HBs. Last day to amend House Rules by majority vote.

Thursday, February 17, 2011

Last day to report HBs going to a second committee.

Thursday, February 24, 2011

Last day to act on HBs going to a second committee.

Thursday, March 10, 2011	Last day to report all HBs not in a second committee, except budgets.
Thursday, March 17, 2011	Last day to act on all HBs not in a second committee, except budgets.
Thursday, March 24, 2011	Last day to report all remaining HBs and list of retained HBs.
Thursday, March 31, 2011	Last day to act on House bills. CROSSOVER
Thursday, April 28, 2011	Last day to report SBs going to a second committee.
Thursday, May 5, 2011	Last day to act on SBs going to a second committee.
Wednesday, May 25, 2011	First day to file LSRs for the 2012 session.
Thursday, May 26, 2011	Last day to report all remaining SBs and list of retained SBs.
Thursday, June 2, 2011	Last day to act on Senate bills.
Wednesday, June 8, 2011	Last day to form Committees of Conference. Last day to file LSRs for the 2012 session.
Thursday, June 16, 2011	Last day to sign Committee of Conference reports.
Thursday, June 23, 2011	Last day to act on Committee of Conference reports.
Wednesday, November 2, 2011	Last day to report retained bills.

Second-Year Session Deadline Dates

Wednesday, November 2, 2011 4:30 pm	Last day to sign-off LSRs, including requests for petitions.
Wednesday, January 11, 2012	Last day to introduce HBs for 2012 session.
Thursday, February 9, 2012	Last day to report HBs going to a second committee.
Thursday, February 16, 2012	Last day to act on HBs going to a second committee.
Thursday, February 23, 2012	Last day to report HBs not in a second committee.
Thursday, March 22, 2012	Last day to report all remaining House bills.
Thursday, March 29, 2012	Last day to act on House bills. CROSSOVER.
Thursday, April 19, 2012	Last day to report SBs going to a second committee.
Thursday, April 26, 2012	Last day to act on SBs going to a second committee.
Thursday, May 10, 2012	Last day to report all Senate bills.
Thursday, May 17, 2012	Last day to act on Senate bills.
Thursday, May 24, 2012	Last day to form Committees of Conference.
Thursday, May 31, 2012	Last day to sign Committee of Conference reports.
Wednesday, June 7, 2012	Last day to act on Committee of Conference reports.

RULES OF COMMITTEE PROCEDURE

100. Committee Chairman; Duties. The duties of each committee chairman, appointed pursuant to House Rule 32, shall be the following:

- (a) To preside at all meetings of the committee;
- (b) To call the meeting to order at the time and place designated by the meeting notice;
- (c) A quorum being present, to cause the committee to proceed with its business in the proper order according to the agenda and to announce the business before the committee as it proceeds with such business;
- (d) To preserve order and decorum and to speak on points of order, in which case the chairman shall have preference over other members;
- (e) To decide all points of order, subject to appeal to the committee;
- (f) To explain or clarify any rule of procedure upon request;
- (g) To state, or direct the clerk to state, each motion as it is made;
- (h) To recognize members;
- (i) To state and put to a vote all questions requiring a vote or upon which a vote is ordered and to announce the vote;
- (j) To appoint the chairman and all members of all subcommittees;
- (k) To assign duties and responsibilities to the vice-chairman of the committee;
- (l) To sign all documents which require the chairman's signature;
- (m) To arrange for the posting and filing of committee notices;
- (n) To supervise and be responsible for the preparation of committee reports and supplements;

(o) To submit requests to the Speaker for committee members' attendance at and travel to off-site meetings;

(p) To have custody of all legislative documents and reports referred or submitted to the committee during the legislative session;

(q) To transmit to the Clerk each legislative document and report which the committee has: 1) reported, or 2) been discharged from considering, or 3) been ordered to report;

(r) To carry out all other duties as may be required.

101. Members, Duty to Attend Meetings; Attendance Record. It shall be the duty of committee members to attend and participate in all committee meetings. A record of the members present and the members absent at each committee meeting shall be maintained. The chairman shall be responsible for assuring that this record is maintained and shall notify the Speaker of excessive unexcused absences.

102. Excessive Absences. Each committee chairman may request the Speaker to remove from committee membership any member of the committee whose absences from committee meetings are judged to be excessive in number.

103. Notice of Executive Sessions. Notice of all executive sessions at which a recorded vote will be taken shall be given by notification in the House Calendar at least two days prior to said executive session, or notification by the Chairman of the appropriate committee on the floor of the House.

104. Notice; Contents. Each meeting notice shall contain the following information:

- (1) time and place of the meeting;
- (2) matters proposed for consideration;
- (3) other information that the committee deems pertinent.

105. Quorum Required to Transact Business. The presence of a quorum, defined as a majority of each committee, shall be required for a committee to transact business and no official action shall be taken by a committee unless a quorum is present.

106. Vote Required for Committee Actions; Members Disqualified. The approval of a majority of the quorum present shall be required for a committee to decide a question or to take official action on any matter; provided however, that a member who has filed a Declaration of Intent pursuant to the Ethics Guidelines that the member will not participate, shall not be required to vote and shall not be counted for purposes of determining the number necessary or for establishing a quorum to act on that question.

107. Roll Call, Recorded Votes Required. At each legislative committee meeting, final action on any bill or resolution shall be by roll call. All roll call votes shall appear in the records of the committee as otherwise provided in these rules. In all roll call votes the names of the members voting for the motion, the names of the members voting against the motion, and the names of members not participating because of a conflict of interest, or absent shall be recorded. If a member is present when the question is put, he or she must vote when called unless the member is not participating pursuant to the New Hampshire General Court Ethics Guidelines.

108. Minutes of Meetings Required; Contents. Minutes of each meeting shall be kept by the committee clerk or under the direction of the clerk and they shall constitute a written record of committee proceedings at such meeting. The minutes shall contain:

- (a) The time and place of the meeting of the committee;
- (b) The members present or absent;
- (c) The names and addresses of all persons appearing before the committee with the names and address, if any, of the person, firm, corporation or association in whose behalf the appearance is made;
- (d) The bills, resolutions or other matters considered;
- (e) Action of the committee, including final action of the committee with respect to each bill or resolution on which the committee makes a report to the House;
- (f) The vote of each member on each bill or resolution, matter or motion considered by the committee on which a roll call vote is taken;
- (g) The important points made by each witness at a public hearing and by each member of the committee, insofar as possible.

109. Permanent Committee Records; Disposition.

(a) The permanent records of the committee shall include a file of the public record on each bill or resolution received by the committee. The public record on each bill or resolution shall include minutes of all committee and subcommittee meetings, a copy of the original document, a copy of

committee amendments proposed by a member, whether adopted or not, and the disposition thereof; a copy of any fiscal note, actuarial note or notice attached to a bill or resolution at the time of committee consideration; all prepared statements which have been filed with the committee by members or interested parties. Only paper copies of letters, statements or other documents delivered by a member or other interested party to the committee chair, vice chair or committee clerk in hand or by US or commercial mail shall constitute a filing with the committee and made part of the public record.

(b) The permanent records of the committee shall be kept by the House Clerk in a place designated by the Speaker.

110. Open Meetings. All meetings of any committee of the House and Senate shall be open to the public subject to the provisions of N. H. RSA 91-A.

111. Back-Up Rules. In such cases where New Hampshire House Committee rules are silent, Mason's Manual of Legislative Procedures, 2000 Edition, shall be the parliamentary guide.

DEFINITIONS

RESOLUTIONS

Resolutions are the formal expressions of the opinions and wishes of the legislature. There are four types: joint resolutions, concurrent resolutions, simple resolutions, and constitutional amendment-concurrent resolutions (CACRs). Joint resolutions, concurrent resolutions and CACRs must be approved by both branches of the legislature, while simple resolutions are considered only by the body of introduction. All resolutions take effect upon passage, so they often are used to meet emergency situations.

(a) JOINT RESOLUTION:

A joint resolution is one that has the force and effect of law, and as such must pass both the house and senate and be signed by the governor. The constitution, Pt. II, Art. 45, provides that joint resolutions shall be treated as bills. Joint resolutions are introduced and considered in the same manner as bills, except that they can only be used for temporary provisions. Joint resolutions cannot be used to amend the public or private laws of New Hampshire (the RSA or the session laws), but they can be used to appropriate money for limited purposes; to establish temporary study committees; and to make adjustments in the state retirement system for certain individuals. Because a joint resolution is effective upon passage, it is useful for supplemental or deficiency appropriations, but such appropriations may not extend beyond the second fiscal year of the biennium. As with other appropriations, if a resolution makes an appropriation from the general fund the governor must be authorized to draw [his] a warrant for the sums appropriated.

(b) CONCURRENT RESOLUTION:

A concurrent resolution is acted on by the house or senate and sent to the other house for approval but is not sent to the governor for signature. Therefore, it does not have the effect of a law, and it is important to note that it cannot be used to appropriate money. Concurrent resolutions may be used to put the legislature on record as supporting or disavowing some aspect of national or state policy. Also, a concurrent resolution may be utilized to express appreciation to some individual or group.

(c) SIMPLE RESOLUTION:

A simple resolution is one that is considered by the legislative body in which it is introduced and is of interest to only that body. Neither house nor senate resolutions have the effect of law. They are written to show appreciation to some individual or group, to ask the supreme court for an advisory opinion on a bill originating in that body, to express sympathy for an individual's death or illness, or, in a lighter vein, to commemorate an event affecting one of the members.

(d) CONSTITUTIONAL AMENDMENT-CONCURRENT RESOLUTION:

An amendment to the constitution may be proposed by the legislature, as well as a constitutional convention. N. H. Const. Pt. 2, Art. 100. Each body must approve the CACR by a three-fifths vote of the entire membership: then the CACR must be submitted to the voters at the next biennial November election. The CACR must be approved by two-thirds of the qualified voters present and voting.

Rep. Bettencourt spoke in favor.

Rep. Gary Richardson offered a floor amendment to House Rules.

Amendment to House Rules

House Rule 30 (q)

Delete the last sentence and replace it with the following:

It shall be the duty of the House to determine whether further action is required on any petition. If the House determines that a Public Hearing is necessary, it shall be the duty of the Chairman to limit hearings as appropriate.

Rep. Gary Richardson spoke in favor.

Rep. Jasper spoke against and yielded to questions.

On a division vote, 95 members having voted in the affirmative and 277 in the negative, the floor amendment to House Rules failed.

The question now being adoption of House Rules, as amended and proposed by the Rules Committee. Rep. Shurtleff offered a floor amendment to House Rules.

Amendment to House Rules

House Rule 63

Add material shown in bold type. Delete italicized type in parentheses. Rule to read as follows:

63. Deadly weapons; electronic devices; cameras. No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall display any deadly weapon as defined in RSA 625:11, V while in the House Chamber, anterooms or cloakrooms. **No person, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in their possession any deadly weapon as defined in RSA 625:11 V in the House gallery.** *(or any portion of the State House adjacent to any of the above.)* Any person in violation of the rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer appointed by the House under Rule 61 has the right to stop and search a member of the House on the premises of the House or that any person is precluded a legally permitted exercise of self-defense or defense of others. With the exception of devices for the hearing impaired, no member shall operate a video camera or a camera utilizing flash bulbs on the floor of the House, while the House is in session.

Rep. Shurtleff spoke in favor.

Rep. Jasper spoke against.

On a division vote, 96 members having voted in the affirmative and 274 in the negative, the amendment to House Rules failed.

The question being adoption of House Rules, as amended and proposed by the Rules Committee. Adopted.

RESOLUTION

Rep. Tucker offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 26 through 49, 51 through 99 and 101 through 124, House Concurrent Resolutions numbered 1 through 4, House Joint Resolution numbered 1, House Resolution numbered 6 and Constitutional Amendment Concurrent Resolutions numbered 1 through 4 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCITON OF HOUSE BILLS

First, second reading and referral

HB 26-FN, clarifying the definition of gross misconduct for purposes of unemployment compensation. (Kappler, Rock 2; C. Vita, Straf 3; Tucker, Rock 17; Willette, Hills 6; Greemore, Belk 3; Forrester, Dist 2; Carson, Dist 14; Barnes, Jr., Dist 17: Labor, Industrial and Rehabilitative Services)

HB 27, relative to de minimis impact work in designated rivers. (Kappler, Rock 2; L. Vita, Straf 3; C. Vita, Straf 3; Spang, Straf 7: Resources, Recreation and Development)

HB 28, establishing a committee to study driver's license suspensions. (Pantelakos, Rock 16; S. Keans, Straf 1: Transportation)

HB 29, permitting a person to petition the superior court for any action pertaining to a pistol or revolver license. (Cunningham, Sull 2; Bowers, Sull 3; Laware, Sull 5; Howard, Sull 2; Odell, Dist 8: Criminal Justice and Public Safety)

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. (Sad, Ches 2; Haefner, Hills 27: Environment and Agriculture)

HB 31, relative to insurance payments for ambulance services. (Umberger, Carr 1; White, Graf 11; Chandler, Carr 1; F. McCarthy, Carr 1; Bradley, Dist 3: Commerce and Consumer Affairs)

HB 32, relative to statutory references to the choice and duties of town auditors. (Cooney, Graf 7; Hatch, Coos 3; B. Patten, Carr 4: Municipal and County Government)

HB 33, relative to the preservation and care of the Franconia Notch forest reservation and memorial park. (Swinford, Belk 5; Baldasaro, Rock 3; K. Roberts, Ches 3: Resources, Recreation and Development)

HB 34-FN-L, relative to the distribution of total education grants to municipalities in the 2012 and 2013 fiscal years. (K. Gould, Rock 5; Bowers, Sull 3; Sanders, Rock 7; L. Ober, Hills 27; Devine, Rock 7: Education)

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract. (Chandler, Carr 1; Rappaport, Coos 1; Daugherty, Coos 1; Gallus, Dist 1: Resources, Recreation and Development)

HB 36-FN-L, reducing the fee for copies of birth certificates. (Vaillancourt, Hills 15: Ways and Means)

HB 37-FN-A, reestablishing the initial monthly gross charge exemption to the communications services tax. (Vaillancourt, Hills 15: Ways and Means)

HB 38, relative to emergency use of public docks and piers. (Hikel, Hills 7: Municipal and County Government)

HB 39, relative to the adoption of the common core state standards in New Hampshire and relative to the substantive content of an adequate education. (Boehm, Hills 27: Education)

HB 40, relative to the number of children in a licensed foster family home. (C. Vita, Straf 3: Children and Family Law)

HB 41, designating purple as the official state color. (Doherty, Hills 27: Legislative Administration)

HB 42, relative to the appropriate officials with whom to file for a primary. (Doherty, Hills 27; Comerford, Rock 9: Election Law)

HB 43, relative to the adoption of forms under the administrative procedures act. (Pilotte, Hills 16; Sad, Ches 2; Millham, Belk 5; B. Patten, Carr 4: Legislative Administration)

HB 44, designating segments of the Oyster River as a protected river. (Kappler, Rock 2; Wall, Straf 7; Kaen, Straf 7; Cataldo, Straf 3; C. Vita, Straf 3; Merrill, Dist 21: Resources, Recreation and Development)

HB 45, relative to the Connecticut Lakes headwater citizens committee. (Chandler, Carr 1; Rappaport, Coos 1; Daugherty, Coos 1; M. Tremblay, Coos 4; Gallus, Dist 1: Resources, Recreation and Development)

HB 46, relative to the membership of the current use advisory board. (Owen, Merr 4: Environment and Agriculture)

HB 47, relative to inactive license status for real estate brokers and salespersons. (Baroody, Hills 13: Commerce and Consumer Affairs)

HB 48, relative to incompatibility of town offices. (Hoelzel, Rock 2: Municipal and County Government)

HB 49-FN, relative to toll-free use of the New Hampshire turnpike system by vehicles with purple heart license plates. (Weyler, Rock 8; Sapareto, Rock 5; Baldasaro, Rock 3; Graham, Hills 18; Allen, Rock 11: Public Works and Highways)

HB 51, relative to screening panel members for screening panels for medical injury claims. (G. Richardson, Merr 4: Judiciary)

HB 52, relative to grounds for modification of parental rights and responsibilities. (Gargas, Hills 5; J. Johnson, Ches 6; Stiles, Dist 24: Children and Family Law)

HB 53, requiring the inclusion of certain offenses against adults on the public sexual offender list. (Elliott, Rock 4; Swinford, Belk 5: Criminal Justice and Public Safety)

HB 54, relative to service in a qualifying war or conflict for purposes of the veterans property tax credit. (Elliott, Rock 4: Municipal and County Government)

HB 55, adding a member to the exotic aquatic weeds and species committee. (Drisko, Hills 5; Russell, Belk 6; C. Christensen, Hills 19: Resources, Recreation and Development)

HB 56, relative to proper observance of September 11, 2001. (Renzullo, Hills 27; Haefner, Hills 27; Ulery, Hills 27: State-Federal Relations and Veterans Affairs)

- HB 57**, establishing a committee to study the penalties for menace, nuisance, or vicious dogs. (Shurtleff, Merr 10: Criminal Justice and Public Safety)
- HB 58**, relative to inter-facility transfers of critical access hospital patients. (White, Graf 11: Health, Human Services and Elderly Affairs)
- HB 59**, establishing a committee to study modification of the education laws. (Sova, Graf 10: Education)
- HB 60-FN-L**, repealing the moratorium on school building aid projects. (Sova, Graf 10: Finance)
- HB 61**, relative to daylight saving time. (Horrigan, Straf 7: Commerce and Consumer Affairs)
- HB 62**, relative to the definition of the New Hampshire building code. (Hawkins, Hills 18; C. McGuire, Merr 8; J. Johnson, Ches 6: Executive Departments and Administration)
- HB 63**, extending the instream pilot program for one year. (Kappler, Rock 2; L. Vita, Straf 3; C. Vita, Straf 3; Spang, Straf 7: Resources, Recreation and Development)
- HB 64-FN**, authorizing medal insignias on special number plates for veterans. (Shurtleff, Merr 10; Steven Smith, Sull 5: Transportation)
- HB 65**, relative to the advisory board on private investigative agencies and security services, and firearms proficiency for armed security guards, private investigators, and bail enforcement agents. (Ulery, Hills 27; Carson, Dist 14: Criminal Justice and Public Safety)
- HB 66**, relative to assessment of the land use change tax on cluster or condominium developments. (Drisko, Hills 5; J. Belanger, Hills 5: Municipal and County Government)
- HB 67**, expanding the duties of the school administrative unit oversight committee. (Drisko, Hills 5; Ladd, Graf 5; Bragdon, Dist 11; Kelly, Dist 10: Education)
- HB 68**, establishing a committee to study reducing the rate of the interest and dividends tax for New Hampshire residents over 65 years of age. (C. Christensen, Hills 19; Renzullo, Hills 27; Mirski, Graf 10; R. Barry, Hills 19; Kappler, Rock 2; White, Dist 9; Morse, Dist 22; De Blois, Dist 18; Carson, Dist 14: Ways and Means)
- HB 69**, relative to the White Mountains community college academic center in Woodsville. (Ladd, Graf 5; D'Allesandro, Dist 20: Education)
- HB 70**, relative to changes to town charters. (Katsakiores, Rock 5; J. O'Connor, Rock 5; Ferrante, Rock 5; Fesh, Rock 5; Manuse, Rock 5: Municipal and County Government)
- HB 71**, authorizing establishment of pharmaceutical drug take-back programs. (Nevins, Rock 15; Schlachman, Rock 13; Case, Rock 1; Butynski, Ches 4; Cebrowski, Hills 18; Stiles, Dist 24; Odell, Dist 8; Houde, Dist 5: Health, Human Services and Elderly Affairs)
- HB 72-FN-A**, establishing a state aeronautical fund. (Nevins, Rock 15; Campbell, Hills 24; L. Ober, Hills 27; Weyler, Rock 8; Rodeschin, Sull 2; Bradley, Dist 3; Carson, Dist 14; Stiles, Dist 24: Ways and Means)
- HB 73**, establishing a process for recall of United States Senators from New Hampshire. (Itse, Rock 9; S. Tremblay, Rock 3: Election Law)
- HB 74**, relative to the ticketing and season passes at Cannon Mountain. (Taylor, Graf 2; Russell, Belk 6; C. Christensen, Hills 19: Resources, Recreation and Development)
- HB 75**, establishing a commission to study bed bugs in New Hampshire. (Long, Hills 10: Health, Human Services and Elderly Affairs)
- HB 76**, authorizing the division of emergency services and communications to levy administrative fines on carriers that repeatedly overwrite the enhanced 911 database. (Pastor, Graf 9; Townsend, Graf 10; R. Read, Rock 16: Science, Technology and Energy)
- HB 77**, relative to amendments to warrant articles. (Hoelzel, Rock 2; P. Brown, Rock 2; Comerford, Rock 9; Chandler, Carr 1; Duarte, Rock 1; Jasper, Hills 27; Kappler, Rock 2; Barnes, Jr., Dist 17; Boutin, Dist 16: Municipal and County Government)
- HB 78**, relative to motor vehicle permit fee credits. (Elliott, Rock 4: Transportation)
- HB 79**, relative to certification of dogs for law enforcement work. (Welch, Rock 8; Tholl, Coos 2; Charron, Rock 7: Criminal Justice and Public Safety)
- HB 80**, eliminating the rank of corporal in the division of state police. (Welch, Rock 8; Tholl, Coos 2; Charron, Rock 7: Criminal Justice and Public Safety)
- HB 81**, relative to public members of the guardian ad litem board. (Oligny, Rock 8; Baldasaro, Rock 3; Sapareto, Rock 5; J. Johnson, Ches 6; Ulery, Hills 27: Children and Family Law)
- HB 82**, relative to the annulment of criminal records. (Welch, Rock 8; Pantelakos, Rock 16; Charron, Rock 7; Shurtleff, Merr 10; Tholl, Coos 2: Criminal Justice and Public Safety)

HB 83, relative to vessel registration. (Pilliod, Belk 5; Fields, Belk 2: Transportation)

HB 84, establishing a statutory commission on motor vehicle recycling issues. (P. Schmidt, Straf 4; Knox, Carr 4: Environment and Agriculture)

HB 85, relative to the definition of "abutter" for notice of land use board hearings. (Powers, Rock 16; Elliott, Rock 4: Municipal and County Government)

HB 86, relative to filling a vacancy among county officers. (Tucker, Rock 17; Itse, Rock 9; Welch, Rock 8: Municipal and County Government)

HB 87, relative to disqualification of moderators. (J. Belanger, Hills 5; Hoelzel, Rock 2; Drisko, Hills 5: Election Law)

HB 88, relative to liquor enforcement and liquor licensing. (Kidder, Merr 1; Shurtleff, Merr 10; D'Allesandro, Dist 20; Bradley, Dist 3: Executive Departments and Administration)

HB 89, requiring the attorney general to file lawsuits challenging the Patient Protection and Affordable Care Act and the United States Environmental Protection Agency's cap and trade program. (Weyler, Rock 8; Reagan, Rock 1; Marshall Quandt, Rock 13; Ulery, Hills 27; Bettencourt, Rock 4; Barnes, Jr., Dist 17: State-Federal Relations and Veterans Affairs)

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate. (Bolster, Belk 5; Russell, Belk 6; C. Christensen, Hills 19; Pilliod, Belk 5: Transportation)

HB 91, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee. (Bouchard, Merr 11; Graham, Hills 18; D'Allesandro, Dist 20; Rausch, Dist 19: Public Works and Highways)

HB 92, relative to expiration of licenses issued by the board of foresters. (Hawkins, Hills 18: Executive Departments and Administration)

HB 93, relative to medical documentation for a crossbow permit for a person with a disability. (Sanders, Rock 7; Harding, Graf 11; Bulis, Graf 1: Fish and Game and Marine Resources)

HB 94, relative to public access to advisory committee meetings under the right-to-know law. (Tholl, Coos 2; Remick, Coos 2: Judiciary)

HB 95, permitting an insurer to operate a health maintenance organization as a line of business. (Hunt, Ches 7: Commerce and Consumer Affairs)

HB 96, relative to issuance of individual health insurance policies by health carriers. (Hunt, Ches 7: Commerce and Consumer Affairs)

HB 97, relative to operation of low-speed utility vehicles. (J. Belanger, Hills 5; Drisko, Hills 5: Transportation)

HB 98, relative to low-speed utility vehicles. (J. Belanger, Hills 5; Drisko, Hills 5: Transportation)

HB 99, relative to deeming voters reregistered for purposes of verification. (Winter, Merr 3: Election Law)

HB 101-FN-A, relative to industrial hemp and establishing an industrial hemp special program fund. (Owen, Merr 4; Sad, Ches 2: Environment and Agriculture)

HB 102, establishing a committee to study merging the insurance department, banking department, and securities division of the office of the secretary of state. (Marshall Quandt, Rock 13; Matt Quandt, Rock 13; Shuler, Rock 11; Carson, Dist 14: Commerce and Consumer Affairs)

HB 103, requiring law enforcement agencies to take proper care of firearms seized pursuant to a domestic violence order for relief. (Reilly, Graf 8; Simard, Graf 8: Criminal Justice and Public Safety)

HB 104, relative to the date for the state primary election. (Horrigan, Straf 7: Election Law)

HB 105, relative to the required number of instructional days and instructional hours in a school district's calendar. (Ladd, Graf 5; Boehm, Hills 27; Fleck, Carr 5: Education)

HB 106, relative to filing for town offices. (Hawkins, Hills 18; Graham, Hills 18: Election Law)

HB 107, relative to the creation of express trusts for payment of claims for materials and services in building projects. (Hunt, Ches 7: Commerce and Consumer Affairs)

HB 108, authorizing the town of Hampton to appoint a tree warden. (Sheffert, Rock 15; Nevins, Rock 15; Stiles, Dist 24: Municipal and County Government)

HB 109, relative to residential fire sprinklers. (Hunt, Ches 7: Municipal and County Government)

HB 110, requiring professional safety and security services personnel to report certain criminal offenses. (Ladd, Graf 5; Emerson, Ches 7; Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 111, relative to redispensing unused drugs. (S. Keans, Straf 1; Case, Rock 1; Millham, Belk 5; Schlachman, Rock 13: Health, Human Services and Elderly Affairs)

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar. (Knox, Carr 4; B. Patten, Carr 4; Ahlgren, Carr 4; S. Schmidt, Carr 4; St. Cyr, Belk 5; Bradley, Dist 3: Education)

HB 113, prohibiting the university system of New Hampshire from using state appropriations to fund public television. (Vaillancourt, Hills 15: Finance)

HB 114, establishing a committee to study merging the state heritage collections committee and the joint legislative historical committee. (Wall, Straf 7: Legislative Administration)

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility. (Ulery, Hills 27; Seidel, Hills 20; Welch, Rock 8: Municipal and County Government)

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water. (B. Patten, Carr 4; Knox, Carr 4: Transportation)

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions. (Rhodes, Hills 22; Hinch, Hills 19; Lambert, Dist 13: Transportation)

HB 118, relative to reporting a person as medically unfit to drive. (Rhodes, Hills 22; Rokas, Hills 12; Hinch, Hills 19; Lambert, Dist 13: Judiciary)

HB 119, relative to agency membership on the information technology council. (Townsend, Graf 10; Kaen, Straf 7: Executive Departments and Administration)

HB 120, extending the public health services improvement council. (DiPentima, Rock 16; Millham, Belk 5: Health, Human Services and Elderly Affairs)

HB 121, establishing a committee to study eligibility for property tax exemptions for the permanently and totally disabled. (Jasper, Hills 27: Municipal and County Government)

HB 122, establishing a commission to study the effectiveness of the sex offender registry. (MacKay, Merr 11; Pilliod, Belk 5; Itse, Rock 9; Carson, Dist 14: Criminal Justice and Public Safety)

HB 123, prohibiting an electric utility from disconnecting service from a residence or building in which a person is using life-sustaining medical equipment. (S. Lindsey, Ches 3: Science, Technology and Energy)

HB 124-FN, allowing any person to request conviction information regarding public officials. (Ulery, Hills 27; Renzullo, Hills 27; Haefner, Hills 27: Criminal Justice and Public Safety)

HCR 1, urging the congressional delegation to begin the process for a constitutional amendment establishing that human beings, not corporations, are entitled to constitutional rights. (Rep. Weed, Ches 3; Rep. Carr, Ches 4: State-Federal Relations and Veterans Affairs)

HCR 2, in support of the Arizona immigration law. (Marcus, Hills 3: State-Federal Relations and Veterans Affairs)

HCR 3, urging increased consideration and preservation of local authority in international trade and investment agreements. (Weed, Ches 3; Mirski, Graf 10: State-Federal Relations and Veterans Affairs)

HCR 4, urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants. (S. Lindsey, Ches 3: State-Federal Relations and Veterans Affairs)

HJR 1, directing the department of transportation and the department of environmental services to study the prevention of further erosion of the east bank of the Exeter River. (Itse, Rock 9; Comerford, Rock 9; Antosz, Rock 9; Barnes, Jr., Dist 17: Resources, Recreation and Development)

HR 6, condemning the taking of a private business by a foreign government. (Hawkins, Hills 18: State-Federal Relations and Veterans Affairs)

CACR 1, relating to the election of state and county officers. Providing that state and county officers shall be elected in odd-numbered years. (Sova, Graf 10: Election Law)

CACR 2, relating to the tenure of judges. Providing that the general court may specify the term of office served by a judge. (Sova, Graf 10; Mirski, Graf 10; Soltani, Merr 8: Judiciary)

CACR 3, relating to initiative petitions. Providing that referenda to enact laws may be initiated by petition. (Bergevin, Hills 17; K. Souza, Hills 11; Infantine, Hills 13; Greazzo, Hills 17; C. Soucy, Hills 17: Election Law)

CACR 4, relating to oaths of civil officers. Providing that persons elected to the United States Senate and House of Representatives shall take the oath of civil officers prescribed by the constitution. (Bal-dasaro, Rock 3; Jennifer Coffey, Merr 6; Itse, Rock 9: State-Federal Relations and Veterans Affairs)

MOTION TO REFER TO COMMITTEE

Rep. Greazzo moved that the question relative to the qualification of the member from Manchester, Representative Brunelle, to serve in the House of Representatives under Part 2, Article 7 of the New Hampshire Constitution be referred to the subcommittee on elections of the Legislative Administration Committee.

Adopted.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time.
Adopted.

RECESS MOTION

Rep. Jasper moved that the House stand in recess for the purposes of the introduction of bills and receiving Senate messages and that the House meet Thursday, January 6, 2011 at 11:00 a.m.
Adopted.

The House recessed at 11:10 a.m.

RECESS**(Speaker O'Brien in the Chair)**

Rep. Bettencourt moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 3

Thursday, January 6, 2011

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Roger Boucher of Gilmanton Iron Works.

Almighty God, from whom we come and to whom we ultimately return, we commend our hearts and consciences to Your care on this day. We commend our Governor at his inauguration as we honor his service. As we get underway, keep each trustee of the people's faith in government alert, guarded and strong. The people of New Hampshire honor the judgments of their representatives and so we pray that You help us with Your inner light to be collegial in our tough decisions, to be professional in our disagreements and to be transparent in our purposes so that we deserve the respect of the people we serve. This, Lord, is how we honor them and this is our ultimate purpose in governing and so we ask You, Lord, for the support we need for this institution. Bless us and keep us. May Your face shine upon us and be gracious to us. Let Your light and wisdom guide us and give us Your strength and peace. Amen.

Representative D. J. Bettencourt, member from Salem, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Drisko, Pitre, Stella Tremblay and Williams, the day, illness.

Reps. Aguiar, Babson, Balboni, Ball, J. Gail Barry, Beattie, Ronald Belanger, Bowers, Kevin Brown, Paul Brown, Brendon Browne, Buxton, Campbell, Case, Chase, Chris Christensen, Jennifer Coffey, Cohn, Condra, Cote, Cunningham, DeJong, DeLemus, Doherty, Domingo, Donovan, Dowling, Eaton, Erickson, Fleck, Gagne, Gargas, James Garrity, Gile, Gimás, Hansen, Hardwick, Hawkes, Ken Hawkins, Hill, Hoell, Timothy Hogan, Gary Hopper, Howard, Hunt, Infantine, Ingbreton, Gladys Johnsen, Jane Johnson, Kyle Jones, Laura Jones, Kaen, Kingsbury, Knox, Krasucki, Larsen, Levasseur, Lundgren, Maltz, Frank McCarthy, McConkey, Mecheski, Merrow, Moran, Brian Murphy, Notter, Lynne Ober, Russell Ober, Oligny, Parison, Pastor, Betsey Patten, Pepino, Amy Perkins, Lawrence Perkins, Pettengill, Pratt, Proulx, Rappaport, Michael Reed, Reichard, Herbert Richardson, Jon Richardson, Jenna Roberts, Russell, Sapienza, Scala, Stephen Schmidt, Scentsas, Seaworth, Serlin, Sheffert, Soltani, Spainhower, Sprague, James Sullivan, Kevin Sullivan, Summers, Sytek, Stroud, Terrio, Joseph Thomas, Tregenza, Marc Tremblay, Wallner, Warden, Watrous, Webb, Wheaton, White, Whitehead, Willette and Winter, the day, important business.

Rep. Pierce, the day, death in the family.

INTRODUCTION OF GUESTS

Sam, Marc and Max Gonzalez, Floridalma Polanco, Jean Max Darbouze and Chad Anderson, sons and guests of Rep. Gonzalez. Matt Haefner, grandson of Rep. Haefner.

RESOLUTION

Reps. Cataldo and Nordgren offered the following: **RESOLVED**, that the House of Representatives notify the Honorable Senate that it is ready to meet in Joint Convention for the purposes of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, for the Inauguration of the Governor and for the taking of the oath by the Executive Council. Adopted.

SENATE MESSAGE

The Senate is now ready to meet with the Honorable House of Representatives in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, the Inauguration of the Governor, the Honorable John H. Lynch, and the taking of the oath by the Executive Council.

JOINT CONVENTION (Speaker O'Brien presiding)

REPORT

Reps. Tucker, Bettencourt and Norelli and Sens. Bradley and Larsen offered the following report: The Joint Committee appointed to compare and count the votes for Governor and Executive Council reports that it has attended to its duties and the vote is correct.

INTRODUCTION AND SEATING OF SPECIAL GUESTS

The Sergeant-at-Arms introduced the following special guests who were escorted to their seats by Aides-de-camp: Family and friends of Governor-elect Lynch. Mayor of Concord, Hon. James Bouley. Commissioners and Department Heads. State Treasurer, Hon. Catherine Provencher. Deputy Secretary of State, Hon. David Scanlan. Leadership of the New Hampshire House of Representatives. Attorney General, Michael Delaney. Administrative Judge representing New Hampshire Probate Courts, Hon. David King. Administrative Judge representing New Hampshire District Courts and the Family Division, Hon. Edwin W. Kelly. Associate Justices of the New Hampshire Supreme Court: Hon. Gary Hicks, Hon. Carol Ann Conboy and the Hon. Robert Lynn. Senior Associate Justice of the New Hampshire Supreme Court, Hon. James Duggan. Chief Justice of the New Hampshire Supreme Court, Hon. Linda S. Dalianis. Former Governors: Hon. Walter Peterson and Mrs. Dorothy Peterson, Hon. John H. Sununu and Mrs. Nancy Sununu and Hon. Stephen Merrill and Mrs. Heather Merrill. The Reverend Clergy. The Executive Council-elect: Hon. Raymond Burton, Daniel St. Hilaire, Christopher Sununu, Hon. Raymond J. Wieczorek and Hon. David Wheeler. Jacqueline and Julia Lynch, daughters of Governor-elect Lynch.

The New Hampshire Police Association Pipes and Drums performed.

Governor-elect John H. Lynch and Dr. Susan E. Lynch were introduced and escorted to the rostrum by the Adjutant General, William Redell.

INVOCATION

Offered by Reverend Monsignor John P. Quinn of the St. Elizabeth Seton Parish in Bedford. Could we bow down our heads and place ourselves in the Lord's presence. All praise and glory are Yours, Lord our God, maker and ruler of the universe. You are the author of freedom, the source of all power. We, Your people, thank You for the blessings of liberty. Help us to fulfill the civic responsibilities that accompany those blessings. We give You thanks today as we gather for the inauguration of Governor John Lynch. We ask that Your spirit descend on us as we begin this ceremony. May Governor Lynch and all those that we have chosen to grant the authority to govern us, work diligently, perseveringly and conscientiously for the cause of truth and justice and for the good of the citizens of the state of New Hampshire. May Your grace strengthen them to work with honor and patience, thankfulness and joy. May all strive dutifully to fulfill their tasks, that their accomplishments may benefit others and serve their needs. Strengthen each of us with willingness to risk for the sake of Your kingdom and to help all of us continually to be concerned for one another. We make this prayer to the praise and the glory of Your Holy name. Amen.

POSTING OF COLORS

Members of the Colonial Color Guard, the New Hampshire National Guard Honor Guard and the State of New Hampshire Governor's Horse Guards, Mounted Ceremonial Unit posted the Colors.

PLEDGE OF ALLEGIANCE

Students from Beech Street Elementary in Manchester led the Pledge of Allegiance.

NATIONAL ANTHEM

The National Anthem was sung by Natalie Hazard of Portsmouth.

OATHS OF OFFICE

The Honorable Linda S. Dalianis, Chief Justice of the New Hampshire Supreme Court administered the oath of office to Governor-elect John H. Lynch. Dr. Susan Lynch, Jacqueline and Julia Lynch joined the Governor on the rostrum.

Governor Lynch administered the oath of office to the Honorable Executive Councilors-elect Raymond S. Burton, Daniel St. Hilaire, Christopher Sununu, Raymond J. Wieczorek and David Wheeler.

MUSICAL INTERLUDE

The Makem and Spain Brothers performed "New Hampshire Naturally" and "This Land is Your Land."

READING

Tomie DePaola of New London recited a story from his book, *Front Porch Tales and North Country Whoppers*.

INAUGURAL ADDRESS

By Governor John H. Lynch

Mr. Speaker, Mr. President, Madam Chief Justice, isn't it good to be able to say Madam Chief Justice, members of the judiciary, honorable members of the House, the Senate, the Executive Council and my fellow citizens of New Hampshire: Thank you for the trust that you once again have placed in me. I will continue to work every day to earn and honor that trust by putting your interests first and striving to make our great state of New Hampshire even stronger. Let me begin by thanking my wonderful family, starting with our exceptional First Lady, my wife Susan Lynch. Her love and encouragement make a difference for me every single day and her work for the children and families of New Hampshire will make a difference for them for years to come. And, I must thank our children: our daughters, Jacqueline and Julia, and our son, Hayden, for their support, for their love and for their patience. Today, more than 700 members of The New Hampshire National Guard are serving in Afghanistan and Iraq. They join countless other brave New Hampshire men and women in our armed forces and follow a long and proud New Hampshire tradition of service. As we pray for the safe return of our soldiers, let's take a moment to thank them, their families and our veterans for their sacrifice and their service. Captain Dan Newman of Merrimack and 1st Sergeant Glen Drewniack, the leaders of Charlie Company, recently brought home safely from Afghanistan all 70 soldiers under their command. Captain Newman and 1st Sergeant Drewniack are with us here today. Will they please stand so that we can applaud them, and all of Charlie Company, for their service to us? Like all of you, I love New Hampshire. I love our rugged mountains and our sparkling lakes, our rivers and beautiful coastline, Old Home Days and State Fairs, our close-knit small towns and our vibrant cities, but most of all I love our people and how they always come together. I saw 8,000 people crowd into the Verizon Wireless Arena to say goodbye to 700 National Guard soldiers as they deployed to the Middle East. I saw hundreds come witness the awarding of the New Hampshire Medal of Honor to families who had lost a loved one in service to our nation. I've seen businesses, neighbors and school children rally around Bella Tucker, a young child from Londonderry stricken with a devastating infection. Thousands of people collect and deliver toys to our children for the holidays and our own state employees collected 10,000 items of food to feed the hungry here in New Hampshire. In many ways, New Hampshire can be like a large, extended family, rallying around when someone needs help. We live in the greatest state in the greatest country in the world and as Governor I think about that every single day. As elected officials we are but temporary custodians of this great state. We are keepers of tradition, stewards of today and guardians of New Hampshire's future. We will be judged not only on the results apparent two years from now; but on the shape of New Hampshire 20 years from now. Helping our families; ensuring ethical, accountable and efficient government; building a stronger New Hampshire. The political make up of this legislature has changed, but these are not partisan issues, these are New Hampshire issues. They are shared responsibilities. They are responsibilities that I accept and responsibilities that I know our new legislators accept as well. Together, working together, we can make our great state even greater. As we move forward in the next two years, we must address the very real challenges facing our families and our state right now, but we always must remember that the decisions we make will shape the lives of our children, grandchildren and great-grandchildren. We serve the people of today, but we have a sacred responsibility to the people of New Hampshire's future. New Hampshire is a special place because of the hard work and innovation of our people, but also because of thoughtful bipartisan policies we've pursued over the decades. In New Hampshire, we have a strategy that is working, a strategy that has put us on the top of almost every national ranking. Today, New Hampshire has the fastest-growing economy in the nation. We have the lowest state taxes in the country. We are the safest state. We are the most livable state and an acknowledgment that I am particularly proud of, New Hampshire is considered the best state in the nation to raise children. As we move forward, we must not abandon the very policies that have made us the envy of the nation. Our challenge is to build on what is already working; to have the courage to address the areas where we can improve; and to stay focused on what truly matters to the people of our great state. The impacts of this recession on our families and on our businesses are real and cannot be understated and cannot be forgotten, but New Hampshire has fared better

than most of the nation. We have one of the lowest unemployment rates in the country. The Federal Reserve Bank says New Hampshire had the fastest economic growth of any state in the nation in the past year, and predicts that we will lead the country in economic growth in the coming year. The National Journal calls New Hampshire the highest-performing economy in the nation. Think about it. Fifty states and New Hampshire is the best. We must continue to build on our successes so that we can get all of our people back to work. We must not be satisfied until every person who wants a job can get a job here in New Hampshire. New Hampshire's economic strength is rooted in smart decisions we've made over the years and in the ingenuity of our citizens and our entrepreneurs. Our businesses have grown and thrived in part because of our tax advantage. Today, we have the lowest state taxes in the country. To continue to grow, we must move forward keeping our taxes low with no sales or income tax. Past legislatures and New Hampshire citizens worked to diversify our economy and help businesses grow. For example, they created the Business Finance Authority, which helps companies access capital. Today, we are building on that success with a new innovation and commercialization center and the Green Launching Pad. Both efforts are putting the intellectual and research capabilities of our renowned University System to work helping companies bring new products to market and to create new jobs. We know in today's economy, companies must research and innovate or find themselves outpaced by their competitors. We want businesses to know that New Hampshire is a place that values their ideas and values their new products. That is why we created the research-and-development tax credit and that is why I am proposing that we double the research-and-development tax credit available to businesses this year. Just as companies must change and adapt, so must their workers. In today's economy, businesses can locate almost anywhere. One reason they come to New Hampshire is because of the skills of our workers. We've partnered with companies to train workers in the skills they need for today's jobs. In the past four years, we have trained more than 8,000 workers here in New Hampshire and this is possible because we joined together to create a Job Training Fund. Let's continue to invest in job training. Let's bring new jobs and keep good jobs right here in New Hampshire. New Hampshire's high-quality roads and bridges have long been a point of pride for our state and important to our economy. Our businesses depend on a quality infrastructure to deliver their products in a timely and affordable manner. Our roads are the first impression we make to visitors who come to our state. Good roads help our citizens get home to their families without hours lost in traffic and good roads save lives. Over the past several years, we've worked to develop a realistic 10-year highway plan. Now we are repairing red-listed bridges, bringing open road tolling to Hampton and beginning the expansion of Interstate 93. We are rebuilding the Spaulding Turnpike, an investment that will reduce accidents and open up new economic development opportunities from Portsmouth to Rochester. But the current 10-year plan, and current revenue sources, will not allow us to fully expand Interstate 93 or add important projects such as Exit 4A on Interstate 93. Two years ago, I offered a plan to consolidate our highway and turnpike systems to help fund important roadwork into the future. This plan is a way forward, but I recognize it is not the only way forward. I am open to new ideas, but if we believe it is important to repair our roads and to fully expand Interstate 93, then it's time to decide how we will pay for these important projects. State road projects are essential to our economic growth, but so are local road projects. For example, in the town of Londonderry, the development of Pettingill Road would open up that area to millions of dollars in economic development and new jobs. That is why I support a new revolving loan fund, a State Infrastructure Bank that would allow communities to pay back the cost of road projects over time through the tax revenues generated by economic growth. Our state's future economy depends on our infrastructure. Let's work together. Let's work together to give our citizens and businesses the high quality roads and bridges that they deserve and that they expect. Today, however, infrastructure is more than just roads and bridges. Our companies and citizens need access to high-speed Internet to compete in this economy. Through the federal stimulus, we are leveraging more than \$66 million in federal and private funds to build an expanded broadband highway for New Hampshire. A project that will support 700 jobs, improve communications and make it easier to connect all parts of our state to high-speed and affordable broadband. Let us build the information highway of the 21st century. Let's bring affordable broadband to all of New Hampshire. I am proud that New Hampshire is ranked one of the most business-friendly states in the nation. Together, we can make it number one. One of the reasons for New Hampshire's success is the accessibility of our state officials. Business owners have told me that the outreach and responsiveness of our commissioners helped convince them to locate and expand their companies here in New Hampshire. I just want to take a

moment to thank our department heads, many of whom are here today. I am so proud of this extraordinary group of public servants. They've found ways to serve our citizens with less and worked together to improve services. We have the fourth-lowest state spending per capita in the nation. The ingenuity and the hard work of our department heads and our state employees are major reasons why. Would the department heads please stand so we can thank you and thank all our state employees for what you do. This year, the legislature will consider a number of important bills, but almost everything we discuss comes back to the most important policy statement we can make as state, our budget. The budget makes clear our values; it reflects our core responsibilities and what investments we believe are critical for our state's future success. As we approach this budget, we must remember that behind every decision are people, people who will be affected. What we choose to do and choose not to do will affect the future of our citizens and the economic future of our state. Over the past several years we've made hard choices to cut state spending and keep the budget balanced. We eliminated outdated programs and we closed facilities. In some cases, we delayed investments to respond to fiscal realities. We've cut important initiatives to direct our limited resources to our priorities, education, health care and public safety. The challenge with the upcoming budget will be just as great. We need to recognize that 50 percent of the state budget is state aid to communities. Another 20 percent is direct payments for health care for our most vulnerable citizens, including the elderly. To balance the budget, we must continue assessing how we provide every state government service and decide what services we should continue providing, but our reductions should not come at the expense of our most vulnerable citizens. An important part of reaching that goal will be continuing to reform state government and improve efficiency. That is what we've done for the past six years. We've centralized purchasing, improved the management of state cars, put services, such as drivers' license renewals, online and state agencies have recently met my goal of reducing their energy use, saving taxpayers \$3 million. We will continue to increase efficiency with a responsible and balanced budget that I will present February 15th. Agencies are already working on efforts to control costs and improve services. For example, the Department of Safety and the Judicial Branch are partnering on a proposal to create an Administrative Traffic Court, which will reduce the backlog in the court system and provide long-term cost savings to the state and local governments. We will need to make upfront investments, particularly in technology, to improve services and to lower long-term costs. Our department heads have joined together to expedite the review of permits for major economic development projects, but they also need new technology to take the next step. That's why I will include funding in the budget to create an online Business One-Stop Center, which will provide a central place for businesses to interact with state government. Our citizens and businesses live and interact in an online world, state government should as well. Let's make it easy for businesses to do business with state government. One of state government's roles is to put in place careful and thoughtful regulations. How one company uses and treats water helps ensure clean water for the business around the corner. Protecting the safety of workers helps control workers' compensation costs for all businesses. Ensuring sound land use helps prevent flooding that damages homes and damages businesses. We must always review regulations to make sure they are still appropriate. Some may be outdated and should be eliminated. Others could be administered more effectively and efficiently. In other cases, oversight should be strengthened. Recently, we saw a number of people lose their life savings because of the illegal practices of Financial Resources Management. First and foremost this was a crime. But we also must acknowledge that state government missed opportunities to expose this fraud. We must take a number of steps to strengthen our oversight. In 2002, in the name of reducing regulation, the legislature stripped the Department of Justice of its authority to prosecute some businesses under the Consumer Protection Act. That was a mistake. It's time to return to the Attorney General the authority to protect all of our consumers here in New Hampshire. Just as our educated workforce is helping our state's economy grow, the education that we give New Hampshire's children now will determine the strength of our state's economy for decades to come. Our schools have long been among the best in the nation and we've been working to make them even better. We've improved standards. We expanded the Community College Project Running Start to more high schools, giving students access to college classes and college credits and at long last, we've ensured that every child in every community can attend public kindergarten. We've led the way in tackling one of the biggest problems facing American schools, the high school dropout rate. At a time when the number of high school dropouts is of epidemic proportions across the nation, we've cut our dropout rate in half to a remarkably low 1.7 percent here in New Hampshire. A high school diploma is not a luxury; it is a neces-

sity to succeed in the workforce. We've made remarkable progress, but we're not done. We have a goal of reducing our dropout rate here in New Hampshire to zero. Let us make sure that every child in New Hampshire graduates from high school. Our efforts to reduce the high school dropout rate and improve education are succeeding because we've provided new alternatives for children to learn and thrive; online learning, internships and night school and we are working with our schools to expand that approach throughout our educational system. The Kearsarge School District is planning to move to online classes on some snow days. Students at Spaulding High School are taking Advanced Placement classes online. Programs like the FIRST Robotics competition are teaching children things they could never get from a textbook. I encourage all of you to attend a FIRST competition and see the excitement of students around science, math, technology and engineering. We need to spur these types of changes in education by encouraging school districts to expand opportunities through technology; by giving students credit for participating in activities like FIRST; and by investing in alternative education. We should not expect 21st century results with a 20th century educational model. We must and we will give our students opportunities to learn in new ways so they can compete successfully in a new economy. State government has a role in ensuring that all New Hampshire children have access to these new opportunities and to a quality education. Our current education funding formula halted nearly 20 years of litigation, but that formula must be improved to ensure sustainability, to avoid dramatic cuts in aid to communities and to prevent the return of donor towns. I will present a proposal for improving the current formula, but we must recognize that our ability to make significant change, change that could expand opportunities for children across New Hampshire, is constrained by the decisions in the Claremont and Londonderry lawsuits. Those decisions have made it harder to address the root problem, local disparities in education. Unlike any other state in the nation, our court required the state to pay the first and the last dollar of an adequate education for every community, making it very difficult for us to lift up the educational opportunities in communities with greater needs. That is why I will propose a constitutional amendment. An amendment that affirms our responsibility for education, but gives us the flexibility we need to give every child in every town the opportunity for a quality education. Let's work together. Let's work together to pass an amendment that will ensure a great education for every child in our great state of New Hampshire. As Governor, I have made public safety my top priority and I want to take a moment to salute the people who keep us safe, law enforcement, firefighters and other first responders. Let's give them a round of applause for what they do for New Hampshire. To keep our state safe, we've put in place smart laws, including the toughest laws in the nation protecting our children from sexual predators. For the past decade, New Hampshire's crime rate has decreased, but our prison population grew by 31 percent and corrections costs doubled. That is why we worked together, law enforcement, the judicial branch, victims and their advocates, Republicans and Democrats, to reform our corrections system. We instituted reforms to increase supervision of released offenders, to help people who have served their time reintegrate into their communities and to reduce the number of repeat offenders. These reforms will save New Hampshire taxpayers money, but more importantly, they will improve public safety. Similar reforms have produced real results in states across the country, but as is the case with any new law, improvements can always be made. That is why we will make proposals to improve supervision of released inmates and to provide the Parole Board with greater discretion to recommit offenders. While we can improve on the Justice Reinvestment Act, we should not undermine its goals and its ability to reduce recidivism. To do so would both jeopardize public safety and lead to even higher corrections costs, costs that our taxpayers cannot afford. Let's work together. Let's work together to keep New Hampshire the safest state in the nation. One of the biggest challenges facing our businesses and our state is the rising cost of health care. We may have differing views on the merits of national health care, but I believe we can all agree that it neglected to address one of the largest problems facing all of us, the high cost of health care. The solution is not to ration health care, discriminate against sick or older workers or eliminate important consumer protections. We must fundamentally change the way health care is delivered and what we get for our money. That's what we are doing across New Hampshire. Dartmouth College just launched a new initiative to bring business and engineering principles to reforming the health care delivery system. Our Citizens Health Initiative, which includes our insurance companies, our providers, our businesses and our colleges and universities, is working to remake our state's health care system. We are running nine medical home pilots and working with five health care systems on a pilot project for Accountable Care Organizations. These related efforts share the same goals, changing the outdated financial incentives of how our health care

system works. We know that more spending doesn't necessarily equal better results. Instead of financially rewarding providers for ordering expensive tests, we should reward them for keeping people healthy. Ensuring basic preventative care will reduce the need for more expensive care later, help our citizens live better lives and control the growth in health care. We have the resources, we have the people and I believe New Hampshire has the will to lead the nation in true health care reform that in New Hampshire puts health first. In New Hampshire we are blessed with a beautiful environment and abundant natural resources. Nearly a century ago, New Hampshire citizens came together to protect and to re-grow our forests and we are still reaping the economic benefits of those actions. We see the benefit directly in our timber industry, in our hunting and fishing industries and in our second-largest industry, tourism. The indirect benefits of our beautiful natural environment touch every part of our economy by attracting businesses and attracting skilled workers to New Hampshire. We too have a responsibility to look to the future, just as our predecessors did and act to protect the long-term sustainability of our environment and of our economy. I believe the next great challenge facing our environment, one that could threaten our state's economic viability if left unaddressed, is ensuring clean and sustainable water supplies. That's why I will establish by Executive Order a commission to create a 20-year Water Sustainability plan for New Hampshire, evaluating the infrastructure, investments and other measures we must make together to ensure that our families, our businesses and communities have the clean water they need for the future. To protect New Hampshire's economy and quality of life for tomorrow, we must protect our water today. Keeping our spending and taxes low, helping all our children graduate from high school, building a strong infrastructure, giving our businesses and workers the tools and training they need to compete, re-making our health care system, ensuring clean water for generations to come. These are challenges that we face as a state, but they are also opportunities to build for New Hampshire's future. As we address the short-term needs of our citizens and our state, we must look to tomorrow. We must look ahead to obstacles to economic growth and success and to begin to address them now. We must consider not only the immediate, but also the long-term consequences of our decisions. Will they make New Hampshire better and more competitive for the future? Will they allow our state and our citizens to compete in the global economy? Will they ensure that New Hampshire remains the special place it is today? We must all remember that we are servants of New Hampshire's people today and the people of New Hampshire's tomorrow. Let us act together to ensure that when the legislature and the Governor meet in this great hall 20 years from now, they are discussing not how to fix the problems that were left unresolved, but how to build on the strong foundation we created for them. With good New Hampshire common sense, hard work and cooperation, we will keep moving our great state forward. Thank you all very much.

Lieutenant Charles Dyac of the Hudson Police Department sang "God Bless America."

BENEDICTION

Offered by Reverend Gayle Murphy of the Northwood Congregational Church.

I would like to leave you with a variation of an old Irish Blessing, a blessing that gives us hope of God's presence and blessings and reassurance that God is with us always. So, I leave you asking that the roads may rise to meet you and may you make the road smooth for others. May the wind always be at your back and may you remember while you are in the midst of conflict that all people are God's beloved. May the sun shine warm upon your face and may you have the courage to work on behalf of the poor, the disenfranchised and the homeless. May the rain fall soft upon your fields and may you enrich the state in which we live. Until your work is done, may God hold you in the hollow of his hand. May it be so. Amen.

Rep. Tucker and Sen. Bradley moved that the Joint Convention arise.
Adopted.

The Joint Convention adjourned.

HOUSE SESSION

(Speaker O'Brien in the Chair)

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time.

RECESS MOTION

Rep. Tucker moved that the House stand in recess for the purposes of the introduction of bills and receiving Senate messages.
Adopted.

The House recessed to the Call of the Chair at 1:25 p.m.

RECESS

(Rep. Matt Quandt in the Chair)

RESOLUTION

Rep. Marshall Quandt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 125 through 131 and House Concurrent Resolution numbered 5 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS AND HCR**First, second reading and referral**

HB 125-FN, relative to lawful commerce in firearms, including manufacture and sale, in New Hampshire. (Itse, Rock 9; Comerford, Rock 9; Hoell, Merr 13; W. O'Connor, Straf 3: Constitutional Review and Statutory Recodification)

HB 126-FN, prohibiting interference with access to medical services and health insurance of New Hampshire citizens. (Itse, Rock 9; Comerford, Rock 9; Ingbretson, Graf 5; Manuse, Rock 5: Commerce and Consumer Affairs)

HB 127-FN, relative to the definition of oral communication. (Baldasaro, Rock 3; Jennifer Coffey, Merr 6; Itse, Rock 9; Hikel, Hills 7; L. Christiansen, Hills 27: Criminal Justice and Public Safety)

HB 128, requiring tenants to execute a financial affidavit as part of the eviction process. (Drisko, Hills 5; Fleck, Carr 5; J. Belanger, Hills 5: Judiciary)

HB 129, relative to the licensure of attorneys as real estate brokers by the real estate commission. (Watters, Straf 4; Weeden, Straf 6: Commerce and Consumer Affairs)

HB 130, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education. (Ladd, Graf 5; Boehm, Hills 27; Fleck, Carr 5: Education)

HB 131, relative to indemnification of volunteers performing duties in the state park system. (Bolster, Belk 5; C. Christensen, Hills 19; St. Cyr, Belk 5; Odell, Dist 8: Resources, Recreation and Development)

HCR 5, urging that the United Kingdom return the Parthenon (Elgin) marbles to Greece. (S. Lindsey, Ches 3: Legislative Administration)

RECESS

(Rep. Bettencourt in the Chair)

RESOLUTION

Rep. Matt Quandt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 132 through 141 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 132, adopting and implementing the United States flag code. (Blankenbeker, Merr 11; Baldasaro, Rock 3; Kappler, Rock 2; Barnes, Jr., Dist 17: State-Federal Relations and Veterans Affairs)

HB 133, relative to the minimum wage. (C. McGuire, Merr 8: Labor, Industrial and Rehabilitative Services)

HB 134, relative to eligibility for walking disability plates. (C. McGuire, Merr 8: Transportation)

HB 135, relative to state employee reimbursement for use of a personal vehicle. (C. McGuire, Merr 8; J. Richardson, Merr 8: Legislative Administration)

HB 136-FN, repealing the uniform athlete agents act. (C. McGuire, Merr 8: Executive Departments and Administration)

HB 137-FN-L, relative to the state fire code and the state building code. (Hawkins, Hills 18; C. McGuire, Merr 8: Executive Departments and Administration)

HB 138-FN, relative to the cold case homicide unit. (Welch, Rock 8; Shurtleff, Merr 10; Shuler, Rock 11; Charron, Rock 7; Pantelakos, Rock 16; Merrill, Dist 21: Criminal Justice and Public Safety)

HB 139, establishing a committee to study merging the New Hampshire turnpike system and the state highway system. (D. McGuire, Merr 8; Pitre, Straf 3; J. Richardson, Merr 8; Hinch, Hills 19; Pellegrino, Hills 19: Public Works and Highways)

HB 140-FN, establishing an exemption from the civil filing fee surcharge. (Horrigan, Straf 7: Judiciary)

HB 141, relative to the treatment of cable television as a protected utility service. (C. McGuire, Merr 8; Jennifer Coffey, Merr 6: Judiciary)

RECESS

The Speaker appointed Special Committees of the House as follows:

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

It shall be the duty of the Special Committee on Education Funding Reform to consider all matters pertaining to the reform and revision of state funding of primary and secondary education; and such other matters as may be referred to it.

REPUBLICANS

Ober, Lynne M., **Chairman**
Hess, David W., **Vice Chairman**
Ingbretson, Paul C.
Balboni, Michael A.
DeLemus, Susan C.
Renzullo, Andrew
Soucy, Connie M.
Hogan, Edith A.
Belvin, William S.
Coffey, Jennifer R.
Daniels, Gary L.
Gandia, Laura J.

DEMOCRATS

Foose, Robert A.
Richardson, Gary B.
Gile, Mary Stuart
Grassie, Anne C.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSIONS REFORM

It shall be the duty of the Committee on Public Employee Pensions Reform to consider all matters pertaining to reform and revision of public employee pension plans and programs; the funding of public employee pension plans and programs; eligibility for public employee pension plans and programs; eligibility for benefits under public employee pension plans and programs; alternatives to public employee plans and programs; and all other matters as may be referred to it.

REPUBLICANS

Reagan, John M., **Chairman**
Hawkins, Kenneth, **Vice Chairman**
Shuler, Wyman E., III
Sedensky, John B.
Smith, William B.
Moran, Edward P.
Infantine, William J.
Kurk, Neal M.
Jasper, Shawn N.
Patten, Betsey L.
Blankenbeker, Lynne F.
Sanborn, Laurie J.

DEMOCRATS

Shurtleff, Stephen J.
Cote, David E.
Long, Patrick T.
Sullivan, Daniel J.

SPECIAL COMMITTEE ON REDISTRICTING

It shall be the duty of the Special Committee on Redistricting to consider all matters pertaining to the redistricting of electoral districts; redistricting of House of Representative districts; redistricting of Senate districts; redistricting of county commissioner districts; redistricting of Executive Council districts; redistricting of congressional districts; and all other matters referred to it.

REPUBLICANS

Mirski, Paul, **Chairman**
 Bates, David, **Vice Chairman**
 Groen, Warren J.
 Rowe, Robert H.
 Swinford, Elaine B.
 Smith, Edwin O.
 Howard, Thomas J.
 Richardson, Herbert D.
 Chandler, Gene G.
 Hess, David W.
 Silva, Peter L.
 Vaillancourt, Steve

DEMOCRATS

Pierce, David M.
 Brunelle, Michael D.
 Keans, Sandra B.
 Weber, Lucy M.

RECESS

(Rep. Winter in the Chair)

RESOLUTION

Rep. Allen offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 142 through 186 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 142-FN, relative to sales of artificial flowers and miniature flags. (C. McGuire, Merr 8; L. Ober, Hills 27: Commerce and Consumer Affairs)

HB 143, relative to the sale of stove polish. (C. McGuire, Merr 8: Commerce and Consumer Affairs)

HB 144, repealing the authorization for energy efficiency and clean energy districts. (C. McGuire, Merr 8: Municipal and County Government)

HB 145, permitting the audio and video recording of any public official while in the course of his or her official duties. (Baldasaro, Rock 3; Jennifer Coffey, Merr 6; Hikel, Hills 7; L. Christiansen, Hills 27; Itse, Rock 9; Manuse, Rock 5: Criminal Justice and Public Safety)

HB 146, relative to the right of jury nullification. (L. Christiansen, Hills 27: Judiciary)

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute. (O'Brien, Hills 4; Comerford, Rock 9; Bettencourt, Rock 4; Notter, Hills 19; Hinch, Hills 19; Holden, Hills 4; Barnes, Jr., Dist 17: Criminal Justice and Public Safety)

HB 148, relative to federal funding for motorcycle-only roadside checkpoints. (Holden, Hills 4; Packard, Rock 3: Transportation)

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers. (Kappler, Rock 2; Wall, Straf 7; Case, Rock 1; Comerford, Rock 9; Antosz, Rock 9; Merrill, Dist 21: Resources, Recreation and Development)

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch. (Shurtleff, Merr 10: Executive Departments and Administration)

HB 151, relative to appointments and reappointments of marital masters. (Rowe, Hills 6; Ulery, Hills 27; Itse, Rock 9; Gorman, Hills 23: Judiciary)

HB 152, relative to the definition of "party" for election purposes other than primary elections. (Comerford, Rock 9; Pierce, Graf 9; Scala, Carr 5; DeJong, Hills 9; Itse, Rock 9: Election Law)

HB 153, relative to political organizations. (Comerford, Rock 9; Pierce, Graf 9; Scala, Carr 5; DeJong, Hills 9; Itse, Rock 9: Election Law)

- HB 154-FN-A**, increasing the threshold amounts for taxation under the business enterprise tax. (Sapareto, Rock 5; Weyler, Rock 8; Major, Rock 8; Bates, Rock 4; Fields, Belk 2; Bragdon, Dist 11; Barnes, Jr., Dist 17; Gallus, Dist 1: Ways and Means)
- HB 155**, relative to permits to conduct raffles. (Ladd, Graf 5; Gionet, Graf 3; Bulis, Graf 1: Municipal and County Government)
- HB 156-FN-A**, reducing the rates of the tobacco tax. (Weyler, Rock 8; Sapareto, Rock 5; Osgood, Sull 4; R. Ober, Hills 27; L. Ober, Hills 27: Ways and Means)
- HB 157-FN-A**, repealing the tax on gambling winnings. (Hatch, Coos 3; Almy, Graf 11; D'Allesandro, Dist 20: Ways and Means)
- HB 158**, relative to the misuse of social security numbers. (Renzullo, Hills 27; Kurk, Hills 7: Criminal Justice and Public Safety)
- HB 159**, relative to review of proposed administrative rules by legislative committees. (Renzullo, Hills 27; Kappler, Rock 2: Legislative Administration)
- HB 160**, requiring decisions and actions of the joint committee on legislative facilities to be ratified by the legislature. (Renzullo, Hills 27: Legislative Administration)
- HB 161**, establishing standards for adequate service of process and establishing a commission to study service of process by laypersons. (Ulery, Hills 27: Judiciary)
- HB 162-FN**, relative to capital murder for purposely causing the death of another. (Greazzo, Hills 17: Criminal Justice and Public Safety)
- HB 163**, establishing the medical sharps advisory council on disposal of medical sharps. (Knox, Carr 4; Case, Rock 1; Millham, Belk 5; Day, Hills 7: Health, Human Services and Elderly Affairs)
- HB 164**, requiring legislative approval for the adoption of the common core state standards in New Hampshire. (Ladd, Graf 5; Boehm, Hills 27; W. Smith, Rock 18; Jasper, Hills 27; Kurk, Hills 7: Education)
- HB 165**, establishing a committee to study contract negotiations between health insurance companies and health care providers. (Marshall Quandt, Rock 13; Matt Quandt, Rock 13; Weyler, Rock 8; Shuler, Rock 11; A. Perkins, Rock 14; Ward, Rock 13; Abrami, Rock 13; Carson, Dist 14; Gallus, Dist 1: Commerce and Consumer Affairs)
- HB 166-FN-A-L**, reducing the rate of the meals and rooms tax. (Ahlgren, Carr 4; Knox, Carr 4; Renzullo, Hills 27: Ways and Means)
- HB 167**, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie. (Chandler, Carr 1; Sova, Graf 10; Mirski, Graf 10; Townsend, Graf 10; Houde, Dist 5: Fish and Game and Marine Resources)
- HB 168**, establishing a committee to study the juvenile delinquency and child in need of services statutes. (Dowling, Rock 5; DeSimone, Rock 6: Children and Family Law)
- HB 169**, relative to the regulation of wood stove, wood pellet, and fireplace dealers. (Scala, Carr 5; Fleck, Carr 5: Commerce and Consumer Affairs)
- HB 170**, conferring degree-granting authority to the Upper Valley Educators Institute. (F. Gould, Graf 11; Ladd, Graf 5; Harding, Graf 11; Gile, Merr 10; Houde, Dist 5: Education)
- HB 171**, relative to restrictions on liquor licenses. (Packard, Rock 3; Holden, Hills 4: Commerce and Consumer Affairs)
- HB 172**, relative to transporting school children to school and school-supported activities. (L. Ober, Hills 27; R. Ober, Hills 27; Haefner, Hills 27; Renzullo, Hills 27; Carson, Dist 14: Education)
- HB 173**, relative to service of process on commercial tenants. (Jasper, Hills 27; Stepanek, Hills 6; Boutin, Dist 16: Judiciary)
- HB 174**, relative to insurance coverage for court-ordered counseling in divorce proceedings. (A. Perkins, Rock 14; Comerford, Rock 9: Commerce and Consumer Affairs)
- HB 175**, relative to technical changes in life, accident, and health insurance. (Headd, Rock 3: Commerce and Consumer Affairs)
- HB 176**, relative to eligibility to vote. (Sorg, Graf 3: Election Law)
- HB 177**, relative to the probation and parole status of offenders in motor vehicle records. (Scala, Carr 5; Fleck, Carr 5: Criminal Justice and Public Safety)
- HB 178**, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. (Marshall Quandt, Rock 13; Matt Quandt, Rock 13; Bettencourt, Rock 4; Weyler, Rock 8; Shuler, Rock 11; Carson, Dist 14; Barnes, Jr., Dist 17: Commerce and Consumer Affairs)
- HB 179**, establishing a task force to study the formula for determining adequate education grants to school districts. (K. Hutchinson, Rock 3: Education)

HB 180, relative to criteria for registration as a lobbyist. (Watrous, Merr 12: Legislative Administration)

HB 181, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters. (Watrous, Merr 12; B. Patten, Carr 4: Municipal and County Government)

HB 182, relative to the definition of a child in need of services. (Pitre, Straf 3: Children and Family Law)

HB 183, renaming Mount Clay in honor of Wonalancet. (S. Lindsey, Ches 3: Resources, Recreation and Development)

HB 184, establishing a committee to study implementing day care services at the state house. (S. Lindsey, Ches 3: Legislative Administration)

HB 185-FN, relative to determining bargaining units for purposes of public employee collective bargaining. (Daniels, Hills 6: Labor, Industrial and Rehabilitative Services)

HB 186-FN, relative to restrictions on political communications. (Bates, Rock 4; Comerford, Rock 9; Horrigan, Straf 7; D. McGuire, Merr 8; Boutin, Dist 16: Election Law)

RECESS

(Rep. Jasper in the Chair)

RESOLUTION

Rep. Matt Quandt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 187 through 199 and House Joint Resolution numbered 2 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS AND HJR

First, second reading and referral

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. (Sapareto, Rock 5; Weyler, Rock 8; Major, Rock 8; Graham, Hills 18; Emerton, Hills 7: Ways and Means)

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control. (Bouchard, Merr 11; Graham, Hills 18: Transportation)

HB 189, relative to disclosure of certain hospital fees. (Fleck, Carr 5; Emerson, Ches 7: Health, Human Services and Elderly Affairs)

HB 190, relative to legislative study committees. (Harding, Graf 11; Foose, Merr 1; Kurk, Hills 7; Carson, Dist 14: Legislative Administration)

HB 191, relative to the community mental health system. (Harding, Graf 11; Pilliod, Belk 5; MacKay, Merr 11; Millham, Belk 5; Houde, Dist 5; Odell, Dist 8; Carson, Dist 14: Health, Human Services and Elderly Affairs)

HB 192, relative to commercial motor vehicle registration. (Rhodes, Hills 22; D. Sullivan, Hills 8; Hinch, Hills 19; Lambert, Dist 13: Transportation)

HB 193, relative to the Mount Washington commission. (Hawkins, Hills 18; Harding, Graf 11: Executive Departments and Administration)

HB 194, repealing the prohibition on having or carrying certain crossbow, rifles, or shotguns in vehicles. (Hoell, Merr 13; Itse, Rock 9; Kreis, Merr 6: Fish and Game and Marine Resources)

HB 195, relative to special permits for transportation of deer. (D. Reed, Merr 2; Palfrey, Merr 2: Fish and Game and Marine Resources)

HB 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program. (D. Reed, Merr 2; Palfrey, Merr 2: Fish and Game and Marine Resources)

HB 197-L, relative to processing absentee ballots. (Day, Hills 7: Election Law)

HB 198, relative to the investment options for county funds. (F. Rice, Rock 15; Weyler, Rock 8; Nevins, Rock 15; Sheffert, Rock 15; K. Sullivan, Rock 15; Stiles, Dist 24; Morse, Dist 22: Municipal and County Government)

HB 199, relative to proceedings of medical injury claims screening panels. (G. Richardson, Merr 4; Itse, Rock 9: Judiciary)

HJR 2, prohibiting the implementation of the insurance department rules regarding the New Hampshire Medical Malpractice Joint Underwriting Association. (B. Patten, Carr 4; Pilotte, Hills 16; Millham, Belk 5; Kidder, Merr 1; Chandler, Carr 1; Taylor, Graf 2; Sad, Ches 2; Bragdon, Dist 11; Carson, Dist 14: Commerce and Consumer Affairs)

RECESS

(Rep. Chandler in the Chair)

RESOLUTION

Rep. Hess offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Joint Resolution numbered 3 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE JOINT RESOLUTION

First, second reading and referral

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation. (B. Patten, Carr 4; C. McGuire, Merr 8; Manuse, Rock 5; Pilotte, Hills 16; De Blois, Dist 18; Groen, Dist 6: Executive Departments and Administration)

RECESS

(Rep. Bettencourt in the Chair)

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 201 through 226 and House Concurrent Resolutions numbered 6 and 7 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILLS AND HCRS

First, second reading and referral

HB 201-FN-A, establishing deductions from the tax on gambling winnings, the business profits tax, and the business enterprise tax for gambling losses. (Weyler, Rock 8; Elliott, Rock 4; Bulis, Graf 1; Sapareto, Rock 5; C. Christensen, Hills 19; Barnes, Jr., Dist 17: Ways and Means)

HB 202-FN, relative to road salt applicators. (Moody, Rock 12; Parkhurst, Ches 4; Y. Thomas, Coos 4; Ferrante, Rock 5: Resources, Recreation and Development)

HB 203-FN, relative to mandatory motor vehicle liability insurance. (Hoelzel, Rock 2; DeSimone, Rock 6; Ferrante, Rock 5; Gimas, Hills 12; Sad, Ches 2: Commerce and Consumer Affairs)

HB 204-FN, granting motor vehicles with special number plates for veterans toll-free use of the turnpike system. (Gandia, Hills 27: Public Works and Highways)

HB 205-FN, relative to notice to owners of upstream dams. (B. Patten, Carr 4; Lockwood, Merr 6: Municipal and County Government)

HB 206-FN, establishing an apprentice hunting license. (D. Reed, Merr 2; Palfrey, Merr 2: Fish and Game and Marine Resources)

HB 207-FN, relative to physical force in defense of a person. (Pepino, Hills 11; Infantine, Hills 13; Mirski, Graf 10; Ball, Hills 9; Proulx, Hills 15; Simmons, Hills 17; Jennifer Coffey, Merr 6; Tamburello, Rock 3; Warden, Hills 7; DeLemus, Straf 1; Panek, Straf 3; Barnes, Jr., Dist 17; Boutin, Dist 16; De Blois, Dist 18; Stiles, Dist 24: Criminal Justice and Public Safety)

HB 208-FN-L, providing additional per pupil funding for pupils in certain public schools. (Weber, Ches 2: Special Committee on Education Funding Reform)

HB 209, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts. (Cebrowski, Hills 18; Major, Rock 8; Seidel, Hills 20; K. Roberts, Ches 3; Belvin, Hills 6; Ulery, Hills 27; White, Dist 9: Ways and Means)

HB 210-FN, relative to the use of deadly force to protect oneself. (Okerman, Rock 4; Hoell, Merr 13; Comtois, Belk 5; Malone, Belk 5; Bradley, Dist 3: Criminal Justice and Public Safety)

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act. (C. McGuire, Merr 8; S. Palmer, Hills 6; Seidel, Hills 20: Executive Departments and Administration)

- HB 212**, relative to the definition of conflict of interest for executive branch officials and employees. (O'Brien, Hills 4; Comerford, Rock 9: Election Law)
- HB 213-FN-A**, reducing the rate of the business profits tax. (W. Smith, Rock 18; Renzullo, Hills 27; Rowe, Hills 6; Cebrowski, Hills 18; K. Murphy, Hills 18; B. Murphy, Rock 18; Brosseau, Graf 6: Ways and Means)
- HB 214**, establishing a committee to study the state's participation in the federal Medicaid program. (Kurk, Hills 7; White, Dist 9: Health, Human Services and Elderly Affairs)
- HB 215-FN-A**, establishing a credit for gambling losses against the tax on gambling winnings. (Foosse, Merr 1; Baroody, Hills 13; Elliott, Rock 4: Ways and Means)
- HB 216**, relative to the instructional authority of school boards. (Ladd, Graf 5; Boehm, Hills 27; Pitre, Straf 3; Jasper, Hills 27; Fleck, Carr 5: Special Committee on Education Funding Reform)
- HB 217-FN**, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. (Souza, Hills 11; Pepino, Hills 11; Bergevin, Hills 17; Parison, Hills 3; Kappler, Rock 2; Krasucki, Hills 26; C. Soucy, Hills 17; K. Murphy, Hills 18; Barnes, Jr., Dist 17; White, Dist 9: Criminal Justice and Public Safety)
- HB 218**, repealing the New Hampshire rail transit authority. (D. McGuire, Merr 8; J. Richardson, Merr 8; Itse, Rock 9; Sorg, Graf 3; Warden, Hills 7: Transportation)
- HB 219**, establishing a committee to study the abolishment of the department of education. (Sova, Graf 10; Winter, Merr 3; LaCasse, Sull 4: Education)
- HB 220-FN**, relative to the approval of plans and specifications for the construction of school buildings. (Berube, Straf 2: Education)
- HB 221**, establishing a procedure for leasing state parks. (Bolster, Belk 5; St. Cyr, Belk 5; Pilliod, Belk 5; Spang, Straf 7: Resources, Recreation and Development)
- HB 222**, relative to administrative rules which contain a fee increase, allowing political subdivisions to object to a proposed rule, and eliminating certain statutory provisions granting general rulemaking authority. (Lambert, Hills 27; L. Jones, Straf 1: Executive Departments and Administration)
- HB 223-FN**, eliminating election day voter registration. (Sorg, Graf 3: Election Law)
- HB 224-FN**, establishing an independent legislative redistricting commission. (Pierce, Graf 9: Special Committee on Redistricting)
- HB 225-FN**, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. (Giuda, Merr 7; Baldasaro, Rock 3; Jennifer Coffey, Merr 6; J. Richardson, Merr 8; McDonnell, Merr 7; Avard, Hills 20; Notter, Hills 19; Panek, Straf 3; Kreis, Merr 6; Krasucki, Hills 26; Barnes, Jr., Dist 17; Bradley, Dist 3: Criminal Justice and Public Safety)
- HB 226-FN-L**, relative to identification of certain publicly owned vehicles. (Bulis, Graf 1; Gionet, Graf 3; Ingbreton, Graf 5; Case, Rock 1; Ladd, Graf 5; Gallus, Dist 1: Municipal and County Government)
- HCR 6**, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. (C. Vita, Straf 3; L. Christiansen, Hills 27; Ulery, Hills 27; Itse, Rock 9; Tregenza, Carr 2; L. Vita, Straf 3: State-Federal Relations and Veterans Affairs)
- HCR 7**, urging Congress to expedite the entry of political dissidents from Iraq and Afghanistan to the United States. (S. Lindsey, Ches 3: State-Federal Relations and Veterans Affairs)

RECESS

(Speaker O'Brien in the Chair)

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 1 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 1, eliminating the automatic continuation requirement for public employee collective bargaining agreements. (Labor, Industrial and Rehabilitative Services)

RECESS

(Rep. Jasper in the Chair)**RESOLUTION**

Rep. Mirski offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 227 through 266 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 227-FN, relative to the membership of the retirement system board of trustees. (Hawkins, Hills 18; Reagan, Rock 1; Kurk, Hills 7; Bradley, Dist 3; Boutin, Dist 16; White, Dist 9: Special Committee on Public Employee Pensions Reform)

HB 228-FN, prohibiting the department of health and human services from entering into a contract with Planned Parenthood Federation of America, Inc. or any organization that provides abortion services and prohibiting the use of public funds or insurance for abortion services. (Willette, Hills 6; Kappler, Rock 2; Bates, Rock 4; Cebrowski, Hills 18; Groen, Straf 1; J. Richardson, Merr 8; Seidel, Hills 20: Health, Human Services and Elderly Affairs)

HB 229-FN-A, repealing the tax on gambling winnings. (C. Christensen, Hills 19; Mirski, Graf 10; Renzullo, Hills 27; Kappler, Rock 2; Hinch, Hills 19; White, Dist 9; Morse, Dist 22; Carson, Dist 14: Ways and Means)

HB 230, exempting the repair of certain structures from compensatory mitigation requirements. (Hunt, Ches 7: Resources, Recreation and Development)

HB 231-FN, relative to payment of state retiree medical benefits for spouses and dependents. (Kurk, Hills 7: Special Committee on Public Employee Pensions Reform)

HB 232-FN, relative to abandoned homes in manufactured housing parks. (McConkey, Carr 3: Municipal and County Government)

HB 233, restricting judicial review of state education trust fund distributions. (W. Smith, Rock 18; Sorg, Graf 3: Special Committee on Education Funding Reform)

HB 234-FN-A, relative to food service licensure. (DiPentima, Rock 16; Millham, Belk 5: Commerce and Consumer Affairs)

HB 235, relative to the right to possess a firearm in one's personal motor vehicle. (Hopper, Hills 7; Gagne, Hills 13; Sorg, Graf 3: Criminal Justice and Public Safety)

HB 236, relative to workers' compensation for illegal aliens. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services)

HB 237, relative to federal mandated health insurance benefits. (L. Christiansen, Hills 27: Commerce and Consumer Affairs)

HB 238-FN-A, relative to the assessment of the education tax by towns and cities. (Hatch, Coos 3; Weber, Ches 2; G. Richardson, Merr 4; Benn, Graf 9; Almy, Graf 11: Special Committee on Education Funding Reform)

HB 239, prohibiting a state agency from establishing a fee without legislative approval. (Ulery, Hills 27; Renzullo, Hills 27: Executive Departments and Administration)

HB 240, allowing voters to vote for multiple candidates for an office. (D. McGuire, Merr 8; DeJong, Hills 9; Cohn, Merr 6; Bowers, Sull 3: Election Law)

HB 241, relative to insurance coverage. (D. McGuire, Merr 8; Itse, Rock 9; Ball, Hills 9; Bowers, Sull 3; L. Ober, Hills 27; White, Dist 9: Commerce and Consumer Affairs)

HB 242-FN-A, increasing the net operating loss carryover under the business profits tax. (Seidel, Hills 20; Tucker, Rock 17; Cebrowski, Hills 18; Ohm, Hills 26; W. Smith, Rock 18; Twombly, Hills 25; Luther, Dist 12: Ways and Means)

HB 243, enabling towns and cities to establish a local revenue option as an alternative to property taxation for the funding of local government costs. (Weed, Ches 3; Butynski, Ches 4: Ways and Means)

HB 244, restricting the collection of biometric data by state agencies and private entities. (Kurk, Hills 7; L. Jones, Straf 1: Commerce and Consumer Affairs)

HB 245, establishing a committee to study election of the attorney general by the legislature. (Marshall Quandt, Rock 13; Matt Quandt, Rock 13; Mirski, Graf 10; Shuler, Rock 11: Executive Departments and Administration)

HB 246, relative to prearranged funeral contracts or burial plans. (Rosenwald, Hills 22; Headd, Rock 3; Rodeschin, Sull 2: Commerce and Consumer Affairs)

HB 247, relative to seller financing of mortgages and making changes to the laws regulating mortgage bankers and brokers and debt adjustment services. (White, Graf 11; Houde, Dist 5: Commerce and Consumer Affairs)

HB 248, establishing a commission to study business regulations in New Hampshire. (Mirski, Graf 10; Cebrowski, Hills 18; Seidel, Hills 20: Commerce and Consumer Affairs)

HB 249-L, relative to procedures for property revaluations. (K. Souza, Hills 11; Newton, Straf 1; Itse, Rock 9; Comerford, Rock 9; J. Sullivan, Rock 1; Barnes, Jr., Dist 17: Municipal and County Government)

HB 250, establishing a committee to study the duties and responsibilities of fire wardens. (Mirski, Graf 10: Municipal and County Government)

HB 251, relative to absentee ballots. (Fields, Belk 2: Election Law)

HB 252-L, repealing provisions regarding applications for hawkers' and peddlers' licenses. (Mirski, Graf 10; Parison, Hills 3; McClarren, Hills 21; LeBrun, Hills 26; Lambert, Hills 27; Avard, Hills 20; Cohn, Merr 6: Executive Departments and Administration)

HB 253, establishing a committee to determine the value of professional licensing and disciplinary practices in New Hampshire. (Mirski, Graf 10: Executive Departments and Administration)

HB 254, relative to offers of judgments. (B. Murphy, Rock 18; Steven Smith, Sull 5; Tregenza, Carr 2; Huxley, Hills 3: Judiciary)

HB 255, requiring consumer protection for prepaid services. (L. Christiansen, Hills 27: Commerce and Consumer Affairs)

HB 256-FN, relative to the administrative appeals process of the department of environmental services. (Sorg, Graf 3: Resources, Recreation and Development)

HB 257, relative to removal of political advertising. (Bates, Rock 4: Election Law)

HB 258, eliminating certain unenforced election laws. (Bates, Rock 4: Election Law)

HB 259, requiring the supreme court to adopt rules of evidence for the judicial branch family division. (Sheffert, Rock 15: Judiciary)

HB 260, relative to the state fire code and the appeal process for decisions of the state fire marshal. (Mirski, Graf 10: Executive Departments and Administration)

HB 261-FN, eliminating screening panels for medical injury claims. (C. McGuire, Merr 8; Itse, Rock 9: Judiciary)

HB 262-FN, relative to beverage manufacturers. (Pratt, Hills 7; Warden, Hills 7: Commerce and Consumer Affairs)

HB 263-FN, relative to the lifetime Medicaid limit. (Kurk, Hills 7: Commerce and Consumer Affairs)

HB 264-FN, relative to political contributions by state contractors and other recipients of state grants or appropriations. (Brunelle, Hills 10; Schlachman, Rock 13; Pierce, Graf 9: Election Law)

HB 265-FN, redefining earnable compensation in the retirement system for new and non-vested members in service. (Hawkins, Hills 18; Reagan, Rock 1; Harding, Graf 11; Kurk, Hills 7; Bouchard, Merr 11; Bradley, Dist 3; White, Dist 9: Special Committee on Public Employee Pensions Reform)

HB 266-FN, relative to the submission of plans for sewage and waste disposal systems. (Hunt, Ches 7: Resources, Recreation and Development)

RECESS

(Rep. Jasper in the Chair)

RESOLUTION

Rep. Edwin Smith offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 267 through 299 and 301 through 307 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 267-FN, permitting the adoption of slot machine gaming in a city or town. (Infantine, Hills 13; Terrio, Hills 14: Municipal and County Government)

- HB 268-FN**, relative to the Merrimack tolls. (Graham, Hills 18; C. Christensen, Hills 19; White, Dist 9: Public Works and Highways)
- HB 269-FN**, establishing a priority based budget system focused on measurable results. (Bowers, Sull 3; Mirski, Graf 10; Avard, Hills 20; White, Dist 9: Finance)
- HB 270-FN-L**, relative to cost recovery for emergency services. (White, Graf 11: Municipal and County Government)
- HB 271-FN-A**, establishing number plates for firefighters and emergency medical care providers. (Jennifer Coffey, Merr 6; Hikel, Hills 7; Rhodes, Hills 22: Transportation)
- HB 272-FN**, requiring hearing aid dealers to post a surety bond. (Emerton, Hills 7; Emerson, Ches 7; Pilliod, Belk 5; Dowling, Rock 5; Benn, Graf 9: Executive Departments and Administration)
- HB 273**, relative to public or private criticism of employers by employees. (Brunelle, Hills 10; Pierce, Graf 9: Labor, Industrial and Rehabilitative Services)
- HB 274-FN**, relative to voting procedures. (Fields, Belk 2: Election Law)
- HB 275**, establishing an employers' private right of action to enforce the payment of workers' compensation coverage. (Weed, Ches 3; Goley, Hills 8; Long, Hills 10: Labor, Industrial and Rehabilitative Services)
- HB 276-FN**, relative to wine manufacturers. (S. Palmer, Hills 6; Kappler, Rock 2; Willette, Hills 6; Sad, Ches 2: Commerce and Consumer Affairs)
- HB 277-FN**, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund. (Bouchard, Merr 11; Graham, Hills 18: Ways and Means)
- HB 278**, setting the natural high water mark of Ossipee Lake. (McConkey, Carr 3; Merrow, Carr 3; Babson, Carr 3; Bradley, Dist 3: Resources, Recreation and Development)
- HB 279**, relative to gifts, grants, or donations received by the governor's commission on disability. (Bergevin, Hills 17: Executive Departments and Administration)
- HB 280**, relative to interest rate terms in contracts for providing credit to consumers. (Pitre, Straf 3; Pepino, Hills 11: Commerce and Consumer Affairs)
- HB 281**, relative to protective custody of intoxicated or incapacitated individuals under 18 years of age. (Dowling, Rock 5; Katsakiores, Rock 5: Children and Family Law)
- HB 282-FN**, relative to spitting or urinating in an emergency vehicle. (Scala, Carr 5; Fleck, Carr 5: Criminal Justice and Public Safety)
- HB 283-FN**, relative to impaired drivers. (Almy, Graf 11; Butynski, Ches 4; Welch, Rock 8; Tholl, Coos 2: Criminal Justice and Public Safety)
- HB 284-FN**, relative to contact lens prescriptions. (Case, Rock 1; Cebrowski, Hills 18; Bulis, Graf 1; DiPentima, Rock 16; Cunningham, Sull 2: Health, Human Services and Elderly Affairs)
- HB 285**, prohibiting smoking in motor vehicles when a passenger under the age of 16 is in the vehicle. (P. Schmidt, Straf 4; Griffin, Rock 4; Elliott, Rock 4; Gile, Merr 10; Pilliod, Belk 5; Mer-rill, Dist 21: Transportation)
- HB 286**, changing district court jurisdiction over the town of Weare. (G. Hopper, Hills 7; Kurk, Hills 7; Sanborn, Dist 7: Judiciary)
- HB 287-FN-A**, making an appropriation for funding disaster relief and hazard mitigation in response to the May 2006 Suncook River avulsion. (Giuda, Merr 7; Soltani, Merr 8; McDonnell, Merr 7; Seaworth, Merr 7; J. Richardson, Merr 8; D. McGuire, Merr 8; C. McGuire, Merr 8: Finance)
- HB 288-FN-L**, relative to payment for election services to unincorporated places. (Umberger, Carr 1; Chandler, Carr 1; F. McCarthy, Carr 1; Pettengill, Carr 1; Gallus, Dist 1: Municipal and County Government)
- HB 289**, relative to procedures followed by funeral directors. (Headd, Rock 3: Health, Human Services and Elderly Affairs)
- HB 290**, relative to staffing exceptions for small schools. (Ladd, Graf 5; Boehm, Hills 27; Weber, Ches 2; Fleck, Carr 5: Education)
- HB 291**, relative to permissible fireworks. (L. Christiansen, Hills 27; Jennifer Coffey, Merr 6; G. Hopper, Hills 7: Commerce and Consumer Affairs)
- HB 292-FN**, relative to securities regulation. (Gidge, Hills 24: Commerce and Consumer Affairs)
- HB 293-FN**, relative to phasing out and repealing the exemption for water and air pollution control facilities from local property taxation. (B. Patten, Carr 4; Kurk, Hills 7: Municipal and County Government)
- HB 294**, relative to the distance from highways for the taking of moose. (Scala, Carr 5; Fleck, Carr 5: Fish and Game and Marine Resources)

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. (Daniels, Hills 6; C. Vita, Straf 3; Case, Rock 1; P. Schmidt, Straf 4; D'Allesandro, Dist 20; Forsythe, Dist 4: Health, Human Services and Elderly Affairs)

HB 296, relative to procedures for juvenile delinquency petitions filed by a school district or school official. (Shaw, Hills 16: Education)

HB 297, allowing municipalities to establish municipal courts. (L. Perkins, Rock 14: Judiciary)

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors. (Baroody, Hills 13: Commerce and Consumer Affairs)

HB 299-FN, relative to the method of financing for the judicial retirement plan. (G. Richardson, Merr 4; Houde, Dist 5: Special Committee on Public Employee Pensions Reform)

HB 301-FN, amending the home education statutes. (Parison, Hills 3; Mirski, Graf 10; Sova, Graf 10; White, Dist 9; Carson, Dist 14: Education)

HB 302-FN, modifying the laws relative to renewable energy portfolios. (R. Barry, Hills 19; Cataldo, Straf 3: Science, Technology and Energy)

HB 303-FN, relative to the regulation of planned unit developments. (K. Hutchinson, Rock 3: Municipal and County Government)

HB 304, requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole. (Gile, Merr 10; Shurtleff, Merr 10; DeSimone, Rock 6; Pantelakos, Rock 16; Ladd, Graf 5: Criminal Justice and Public Safety)

HB 305, relative to the homestead right. (Sorg, Graf 3: Judiciary)

HB 306, relative to access to birth records. (Sorg, Graf 3: Health, Human Services and Elderly Affairs)

HB 307, relative to the authority of the superintendent of a county correctional facility. (P. Garrity, Hills 14; D. Sullivan, Hills 8; Rhodes, Hills 22; Rokas, Hills 12; Baroody, Hills 13: Criminal Justice and Public Safety)

RECESS

(Rep. Edwin Smith in the Chair)

RESOLUTION

Rep. Matt Quandt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 11, 15 and 16 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees. Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 11-L, relative to the police commission in the town of Hooksett. (Municipal and County Government)

SB 15, relative to the duties of tax collectors and clerks. (Municipal and County Government)

SB 16, relative to amendments to warrant articles. (Municipal and County Government)

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Sanborn off the Special Committee on Public Employee Pensions Reform.

Rep. Winter on the Special Committee on Public Employee Pensions Reform.

Rep. Cote off the Special Committee on Public Employee Pensions Reform.

Rep. Baroody on the Special Committee on Public Employee Pensions Reform.

RECESS

(Rep. Tucker in the Chair)

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 308 through 399, 401 through 499 and 501 through 522 and Constitutional Amendment Concurrent Resolutions numbered 6 and 7 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILLS AND CACRS

First, second reading and referral

HB 308, relative to the authority of the superintendent of a county correctional facility to order the removal or transfer of prisoners. (P. Garrity, Hills 14; D. Sullivan, Hills 8; Rhodes, Hills 22; Rokas, Hills 12; Baroody, Hills 13: Criminal Justice and Public Safety)

HB 309-FN, repealing certain insurance mandates. (Hunt, Ches 7: Commerce and Consumer Affairs)

HB 310-FN, relative to the use of open data formats and the adoption of a statewide policy regarding open government data standards. (Cohn, Merr 6; Pratt, Hills 7; Lambert, Hills 27; Cox, Merr 6; B. MacMahon, Rock 10; Davenport, Rock 12: Executive Departments and Administration)

HB 311-FN, relative to solar renewable energy. (Holden, Hills 4; Cali-Pitts, Rock 16; Merrill, Dist 21: Science, Technology and Energy)

HB 312-L, relative to notice required for the fluoridation of drinking water. (L. Christiansen, Hills 27; K. Souza, Hills 11: Health, Human Services and Elderly Affairs)

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program. (Soltani, Merr 8: Children and Family Law)

HB 314, relative to judicially appointed officials. (Soltani, Merr 8: Judiciary)

HB 315, relative to appointment of attorneys by judges, marital masters, and judicial officers. (Soltani, Merr 8: Judiciary)

HB 316, relative to due process requirements in property appraisals for property tax purposes. (Manuse, Rock 5; Warden, Hills 7; Itse, Rock 9; Kurk, Hills 7; Sapareto, Rock 5; Burt, Hills 7; Antosz, Rock 9; Lambert, Hills 27; J. Roberts, Straf 7; McGuinness, Hills 20; De Blois, Dist 18; Carson, Dist 14; Bradley, Dist 3; Barnes, Jr., Dist 17: Municipal and County Government)

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings. (Gimas, Hills 12; Infantine, Hills 13; Boutin, Dist 16; Carson, Dist 14: Commerce and Consumer Affairs)

HB 318-FN-L, reducing a school district's liability for special education costs. (Pitre, Straf 3: Education)

HB 319, relative to the use of clotheslines. (S. Lindsey, Ches 3: Municipal and County Government)

HB 320, requiring the construction of a clock tower as part of the Hampton seashell complex. (Sheffert, Rock 15: Finance)

HB 321-FN, relative to the classification of wetlands as contributing or noncontributing. (Mirski, Graf 10; Parison, Hills 3; Avard, Hills 20; LeBrun, Hills 26; Lambert, Hills 27; Huxley, Hills 3; Warden, Hills 7: Resources, Recreation and Development)

HB 322, relative to occupancy fees charged by manufactured housing park owners. (Knox, Carr 4; McConkey, Carr 3: Commerce and Consumer Affairs)

HB 323, establishing a commission to study and promote the long-term growth and efficient use of existing state highway rights-of-way. (Mirski, Graf 10: Public Works and Highways)

HB 324, relative to lawful commerce in goods and services sold, made, and retained in the state of New Hampshire. (Ingbretson, Graf 5: Commerce and Consumer Affairs)

HB 325-FN, relative to the purchase of ill animals from licensed animal vendors and inspections of animal vendor premises by the state veterinarian. (Sad, Ches 2: Environment and Agriculture)

HB 326-FN-L, eliminating the automatic continuation requirement for public employee collective bargaining agreements. (Hikel, Hills 7; O'Brien, Hills 4; L. Christiansen, Hills 27; Itse, Rock 9; Ingbretson, Graf 5; Mirski, Graf 10; D. McGuire, Merr 8; Comerford, Rock 9: Labor, Industrial and Rehabilitative Services)

HB 327-FN, relative to health care choice. (Garcia, Rock 4; Jennifer Coffey, Merr 6; Ulery, Hills 27; Blankenbeker, Merr 11; Kappler, Rock 2; McClarren, Hills 21: Commerce and Consumer Affairs)

HB 328, relative to New Hampshire domestic liquor and wines. (Kappler, Rock 2; Comerford, Rock 9; Blankenbeker, Merr 11; Willette, Hills 6; L. Perkins, Rock 14: Commerce and Consumer Affairs)

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors. (K. Souza, Hills 11; Kappler, Rock 2; Bates, Rock 4; Cebrowski, Hills 18; Groen, Straf 1; Krasucki, Hills 26; Parison, Hills 3; K. Murphy, Hills 18; Seidel, Hills 20; Barnes, Jr., Dist 17; White, Dist 9; Groen, Dist 6: Judiciary)

HB 330-FN, relative to carrying firearms. (Jennifer Coffey, Merr 6; Comerford, Rock 9; Swinford, Belk 5; Baldasaro, Rock 3; Welch, Rock 8; Warden, Hills 7; Groen, Straf 1; Gagne, Hills 13; Kreis, Merr 6; Carson, Dist 14; Bradley, Dist 3; Boutin, Dist 16: Criminal Justice and Public Safety)

- HB 331-FN**, relative to posting agency expenditures on the state transparency website. (Bates, Rock 4; Manuse, Rock 5; L. Ober, Hills 27; Kurk, Hills 7; Cohn, Merr 6; Foose, Merr 1; Lambert, Hills 27; J. Roberts, Straf 7; Carson, Dist 14; Luther, Dist 12; White, Dist 9: Executive Departments and Administration)
- HB 332-FN**, relative to an electronic controlled drug prescription monitoring program. (Rosenwald, Hills 22; Harding, Graf 11; MacKay, Merr 11; Gargas, Hills 5; Millham, Belk 5; Suzanne Smith, Graf 7; Butynski, Ches 4; Larsen, Dist 15: Executive Departments and Administration)
- HB 333-FN**, repealing certain provisions relating to the sale of oleomargarine. (C. McGuire, Merr 8; Horrigan, Straf 7; Groen, Straf 1: Commerce and Consumer Affairs)
- HB 334**, relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, or firearms supplies. (Cunningham, Sull 2; Hoell, Merr 13; Cataldo, Straf 3; Chandler, Carr 1; Baldasaro, Rock 3; Boutin, Dist 16; Gallus, Dist 1: Criminal Justice and Public Safety)
- HB 335-FN-A**, establishing multi-use number plates. (Rhodes, Hills 22; Hinch, Hills 19; Umberger, Carr 1; Williams, Merr 11: Transportation)
- HB 336**, designating segments of the Mascoma River as a protected river. (F. Gould, Graf 11; Harding, Graf 11; Kappler, Rock 2; Townsend, Graf 10; Houde, Dist 5: Resources, Recreation and Development)
- HB 337-FN-L**, relative to the calculation and distribution of adequate education grants. (Hess, Merr 9; Flanagan, Hills 5; Ladd, Graf 5; Kurk, Hills 7; Bettencourt, Rock 4; Jasper, Hills 27: Special Committee on Education Funding Reform)
- HB 338**, allowing towns and cities to exempt farm buildings and structures from property taxation. (Ladd, Graf 5; Haefner, Hills 27; Sad, Ches 2: Municipal and County Government)
- HB 339-FN-A**, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor. (Harding, Graf 11; Sad, Ches 2; Owen, Merr 4; C. McGuire, Merr 8; Odell, Dist 8; Merrill, Dist 21: Executive Departments and Administration)
- HB 340-FN**, promoting parental choice in education and providing for an abatement from the education taxes for parents of children not enrolled in the public school system. (C. Vita, Straf 3; L. Christiansen, Hills 27; DeJong, Hills 9; L. Jones, Straf 1; L. Vita, Straf 3; Shuler, Rock 11; Cebrowski, Hills 18; Forsythe, Dist 4: Municipal and County Government)
- HB 341**, relative to local spending caps. (Vaillancourt, Hills 15; Bettencourt, Rock 4; Greazzo, Hills 17; Avard, Hills 20; Simmons, Hills 17; Newton, Straf 1; De Blois, Dist 18; Lambert, Dist 13; Luther, Dist 12: Municipal and County Government)
- HB 342**, relative to boat operation rules. (Hikel, Hills 7: Transportation)
- HB 343-FN**, establishing a permanent state defense force. (Itse, Rock 9; Baldasaro, Rock 3; Welch, Rock 8; Kingsbury, Belk 4: Executive Departments and Administration)
- HB 344-FN**, establishing a judicial performance review commission. (Rowe, Hills 6; Mirski, Graf 10; Itse, Rock 9: Judiciary)
- HB 345-FN**, relative to insurance payments for ambulance providers. (White, Graf 11: Commerce and Consumer Affairs)
- HB 346**, to incorporate the bar association of the state of New Hampshire. (L. Christiansen, Hills 27: Judiciary)
- HB 347**, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. (Kurk, Hills 7: Judiciary)
- HB 348-FN**, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. (Kurk, Hills 7; Hess, Merr 9: Executive Departments and Administration)
- HB 349-FN**, relative to alternative dispute resolution in civil cases. (Kurk, Hills 7: Judiciary)
- HB 350-FN**, updating laws relative to the fiscal committee of the general court. (Foose, Merr 1; Kurk, Hills 7: Legislative Administration)
- HB 351-FN**, relative to insurance reimbursement for doctors of naturopathic medicine. (Cebrowski, Hills 18; Case, Rock 1; Merrick, Coos 2; Kotowski, Merr 9: Commerce and Consumer Affairs)
- HB 352**, relative to merger of lots or parcels. (Bates, Rock 4; Pilliod, Belk 5; Bradley, Dist 3; Barnes, Jr., Dist 17; Forsythe, Dist 4: Municipal and County Government)
- HB 353-FN**, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness. (Elliott, Rock 4; C. McMahon, Rock 4: Health, Human Services and Elderly Affairs)

HB 354, relative to licensure requirements for retail vehicle dealers. (Pepino, Hills 11; Hikel, Hills 7; Welch, Rock 8; Kolodziej, Rock 4: Transportation)

HB 355, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations. (Welch, Rock 8; Tholl, Coos 2: Executive Departments and Administration)

HB 356-FN, requiring valid photo identification to vote in person. (Drisko, Hills 5; Hoelzel, Rock 2; R. Barry, Hills 19; W. Smith, Rock 18; Tucker, Rock 17: Election Law)

HB 357-FN, suspending the payment of travel expenses for legislators and staff. (Brunelle, Hills 10; Pierce, Graf 9: Legislative Administration)

HB 358, relative to the maintenance, repair, and preservation of burial grounds. (Watters, Straf 4; J. Sullivan, Rock 1; Hamm, Merr 4; D. Hooper, Straf 5; Carr, Ches 4; Odell, Dist 8; Merrill, Dist 21: Municipal and County Government)

HB 359-FN, prohibiting the use of certain information to underwrite insurance coverage. (Hatch, Coos 3; Norelli, Rock 16: Commerce and Consumer Affairs)

HB 360-FN, establishing a state defined contribution retirement plan for state and political subdivision members of the retirement system and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. (D. McGuire, Merr 8; Reagan, Rock 1; White, Dist 9: Special Committee on Public Employee Pensions Reform)

HB 361, enabling counties to adopt semi-annual payment of county taxes by towns and cities. (Sterling, Ches 7; Hunt, Ches 7: Municipal and County Government)

HB 362, relative to binding arbitration in public labor relations disputes. (Weed, Ches 3; Coulombe, Coos 4; Goley, Hills 8: Labor, Industrial and Rehabilitative Services)

HB 363-L, relative to Depot Street in the town of Andover. (Jennifer Coffey, Merr 6; Cox, Merr 6; Kreis, Merr 6; Cohn, Merr 6; Hill, Merr 6; Houde, Dist 5: Public Works and Highways)

HB 364, relative to the membership of the state committee on aging. (Pilliod, Belk 5; Millham, Belk 5: Executive Departments and Administration)

HB 365-FN-A, establishing a commission to encourage broadband development and making an appropriation therefor. (Rappaport, Coos 1; Pastor, Graf 9; Kaen, Straf 7; Remick, Coos 2; Townsend, Graf 10; Gallus, Dist 1: Science, Technology and Energy)

HB 366, relative to the jurisdiction of counties concerning retail electric supply. (Ladd, Graf 5; Ing-bretson, Graf 5; Gionet, Graf 3; Almy, Graf 11; Aguiar, Graf 6: Municipal and County Government)

HB 367-L, relative to the election of county commissioners in Carroll County. (Babson, Carr 3; McConkey, Carr 3: Municipal and County Government)

HB 368-FN-L, relative to workforce housing and the definition of community. (Flanagan, Hills 5; Drisko, Hills 5: Municipal and County Government)

HB 369-FN, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. (Howard, Sull 2; W. Smith, Rock 18; Bowers, Sull 3: Education)

HB 370, making changes to the pupil safety and violence prevention act. (Boehm, Hills 27; Ing-bretson, Graf 5; Ladd, Graf 5; Gandia, Hills 27: Education)

HB 371-FN-A, relative to capital appropriations to the liquor commission for facilities on Interstate Route 93 in Hooksett and improvements to existing stores. (Hunt, Ches 7: Public Works and Highways)

HB 372, adding cigar blunt wraps to the definition of drug paraphernalia in the controlled drug act. (D. Sullivan, Hills 8; Daniels, Hills 6; P. Garrity, Hills 14: Criminal Justice and Public Safety)

HB 373, proclaiming June 3 each year in dedication of the sermon by Reverend Samuel McClintock on the commencement of the New Hampshire constitution and relative to the observance of Federal Constitution Days. (Bergevin, Hills 17; Bates, Rock 4; Itse, Rock 9: Executive Departments and Administration)

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. (Campbell, Hills 24; Pastor, Graf 9; Chandler, Carr 1; Townsend, Graf 10; Pitre, Straf 3: Commerce and Consumer Affairs)

HB 375, relative to immunity for school personnel using necessary force to protect pupils. (D. McGuire, Merr 8; Oligny, Rock 8; Sorg, Graf 3; Gidge, Hills 24: Judiciary)

HB 376, relative to representative voting on joint boards of school administrative units. (Pitre, Straf 3; Cataldo, Straf 3; Weeden, Straf 6: Education)

HB 377-FN, requiring daily physical education for public school pupils. (Cox, Merr 6: Education)

HB 378-FN, inserting an exception to the criminal threatening statute. (B. Patten, Carr 4; Welch, Rock 8; Fields, Belk 2; Sterling, Ches 7; Knox, Carr 4; Forrester, Dist 2: Criminal Justice and Public Safety)

HB 379, relative to late fees charged by utilities. (Flanagan, Hills 5: Commerce and Consumer Affairs)

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (W. Smith, Rock 18; Nevins, Rock 15; Sapareto, Rock 5; L. Perkins, Rock 14; Oligny, Rock 8: Executive Departments and Administration)

HB 381, authorizing net metering for micro-combined heat and power systems. (Introne, Rock 3; Kaen, Straf 7; Cataldo, Straf 3: Science, Technology and Energy)

HB 382, allowing municipalities discretion to raise and appropriate funds for cemetery fences. (Seaworth, Merr 7; McDonnell, Merr 7: Municipal and County Government)

HB 383, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association. (Kurk, Hills 7: Executive Departments and Administration)

HB 384, prohibiting the office of energy and planning from requiring social security numbers from applicants of any program administered by the office, except when required under federal law or regulation. (Kurk, Hills 7: Executive Departments and Administration)

HB 385-FN, relative to the applicability of licensure requirements for mortgage bankers and brokers. (Drisko, Hills 5; J. Belanger, Hills 5: Commerce and Consumer Affairs)

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees. (St. Cyr, Belk 5; Umberger, Carr 1; Chandler, Carr 1; Y. Thomas, Coos 4; Pettengill, Carr 1; D'Allesandro, Dist 20; Odell, Dist 8; Larsen, Dist 15; Stiles, Dist 24: Education)

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system. (R. Read, Rock 16; Pastor, Graf 9; Townsend, Graf 10: Science, Technology and Energy)

HB 388-FN, requiring providers of prepaid wireless services and voice over Internet protocol services to pay surcharges for deposit in the enhanced 911 system fund. (Townsend, Graf 10; Pastor, Graf 9; R. Read, Rock 16: Science, Technology and Energy)

HB 389-FN-L, relative to broadband infrastructure. (Pastor, Graf 9; Remick, Coos 2; Rappaport, Coos 1; Pierce, Graf 9; Houde, Dist 5: Science, Technology and Energy)

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces. (Harding, Graf 11; Foose, Merr 1; Kurk, Hills 7: Executive Departments and Administration)

HB 391, relative to an optional tax credit for service-connected disability. (B. Patten, Carr 4; Baldasaro, Rock 3; F. McCarthy, Carr 1: Municipal and County Government)

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security. (Rhodes, Hills 22; White, Graf 11; Proulx, Hills 15; Coulombe, Coos 4; Buxton, Hills 24: Executive Departments and Administration)

HB 393, repealing the authority for the establishment of certain revolving funds by towns. (Simard, Graf 8: Municipal and County Government)

HB 394-FN, relative to the regulation of oil heating technicians. (Harding, Graf 11; Rosenwald, Hills 22; Scotsas, Hills 22; Rhodes, Hills 22; Lambert, Dist 13: Commerce and Consumer Affairs)

HB 395, establishing a child protection study committee. (Itse, Rock 9; Ingbreton, Graf 5; Sorg, Graf 3; Baldasaro, Rock 3; Comerford, Rock 9: Children and Family Law)

HB 396, exempting the land and buildings of Masonic temples or building associations from property taxation. (Packard, Rock 3; Weyler, Rock 8; Jasper, Hills 27; Baldasaro, Rock 3; Shurtleff, Merr 10: Municipal and County Government)

HB 397, relative to image display devices in motor vehicles. (Packard, Rock 3; Hikel, Hills 7; Waterhouse, Rock 4; Rausch, Dist 19; Boutin, Dist 16: Transportation)

HB 398, relative to service animals. (Schlachman, Rock 13; Hunt, Ches 7; Abrami, Rock 13; Butynski, Ches 4; Barnes, Jr., Dist 17: Commerce and Consumer Affairs)

HB 399, relative to nonresident registration of motor vehicles. (Major, Rock 8: Transportation)

HB 401, relative to postsecondary training for workers with disabilities. (Rosenwald, Hills 22; MacKay, Merr 11; C. McMahon, Rock 4; Stiles, Dist 24; Kelly, Dist 10: Labor, Industrial and Rehabilitative Services)

- HB 402-L**, relative to the authority of the department of environmental services to determine whether outdoor wood-fired hydronic heaters violate air quality emission limits. (Cloutier, Sull 4; Gile, Merr 10; Odell, Dist 8: Science, Technology and Energy)
- HB 403-L**, requiring a public hearing on certain school district warrant articles. (Pitre, Straf 3: Municipal and County Government)
- HB 404**, relative to toilets at campgrounds and exclusions for such requirements for certain parcels of land. (Cohn, Merr 6: Resources, Recreation and Development)
- HB 405**, relative to dissolving corporations. (White, Graf 11: Commerce and Consumer Affairs)
- HB 406-L**, relative to the additional fee for the licensing and restraining of dogs. (Cooney, Graf 7: Municipal and County Government)
- HB 407**, establishing a committee to study the rising incidence of autism. (S. Keans, Straf 1; Schlachman, Rock 13: Health, Human Services and Elderly Affairs)
- HB 408**, relative to residential mortgage loan transactions. (Sapienza, Rock 8; Sedensky, Rock 8; Hess, Merr 9: Commerce and Consumer Affairs)
- HB 409**, relative to planning board members. (A. Perkins, Rock 14: Municipal and County Government)
- HB 410**, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee. (Cali-Pitts, Rock 16; Introne, Rock 3: Science, Technology and Energy)
- HB 411**, relative to distributing campaign materials at the polling place. (Hikel, Hills 7: Election Law)
- HB 412**, establishing a committee to study issues of judicial standing under federal and state law. (Huxley, Hills 3; Cohn, Merr 6: Judiciary)
- HB 413**, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees. (Harding, Graf 11; Gorman, Hills 23; Welch, Rock 8; R. Read, Rock 16; Carson, Dist 14; D'Allesandro, Dist 20: Executive Departments and Administration)
- HB 414-FN-A**, establishing an assessment on motor vehicle inspections to be deposited in the police standards and training council training fund. (Shurtleff, Merr 10; Welch, Rock 8; Pantelakos, Rock 16: Transportation)
- HB 415**, relative to access to abuse and neglect investigation records pending a child custody dispute. (Ingbretson, Graf 5: Children and Family Law)
- HB 416**, adding an exemption from immunization for conscientious beliefs. (Lambert, Hills 27; L. Jones, Straf 1; Itse, Rock 9; Cohn, Merr 6; Pratt, Hills 7; Sapareto, Rock 5; J. Belanger, Hills 5; Manuse, Rock 5; McDonnell, Merr 7: Children and Family Law)
- HB 417-FN-A**, making an appropriation to the milk producers emergency relief fund. (Sad, Ches 2: Environment and Agriculture)
- HB 418-FN**, requiring state agencies to consider open source software when acquiring new software. (Cohn, Merr 6; Pratt, Hills 7; Lambert, Hills 27; Cox, Merr 6; B. MacMahon, Rock 10; Davenport, Rock 12: Executive Departments and Administration)
- HB 419-FN**, relative to language in insurance certificates. (Infantine, Hills 13: Commerce and Consumer Affairs)
- HB 420-FN**, relative to voluntary registration for independent contractors under workers' compensation law. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services)
- HB 421**, relative to candidates for United States senator. (Kingsbury, Belk 4; DeLemus, Straf 1; L. Vita, Straf 3; Davenport, Rock 12: Election Law)
- HB 422**, prohibiting vaccinations in public schools. (L. Jones, Straf 1; Lambert, Hills 27; DeJong, Hills 9; Notter, Hills 19; Warden, Hills 7; K. Jones, Straf 1; Pitre, Straf 3; Steven Smith, Sull 5; C. Vita, Straf 3; Suzanne Smith, Graf 7; White, Dist 9: Education)
- HB 423**, relative to including workplace harassment in the legislative ethics law. (Norelli, Rock 16; Jasper, Hills 27: Election Law)
- HB 424**, relative to surplus lines tax collection. (Headd, Rock 3: Commerce and Consumer Affairs)
- HB 425-FN-A-L**, making an appropriation for the special education catastrophic aid program for the 2011 fiscal year. (K. Hutchinson, Rock 3: Finance)
- HB 426**, adding certain entities to the unused prescription drug program. (Case, Rock 1; Bulis, Graf 1; S. Keans, Straf 1: Health, Human Services and Elderly Affairs)
- HB 427-FN**, prohibiting political advertising on public property. (Watrous, Merr 12: Election Law)
- HB 428-FN**, relative to the procedures for detention and sanctions for default and breach of conditions of bail and recognizances. (P. Garrity, Hills 14; Rhodes, Hills 22; D. Sullivan, Hills 8; Rokas, Hills 12: Criminal Justice and Public Safety)

HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission. (Parison, Hills 3; Mirski, Graf 10; Sova, Graf 10; Ingbretson, Graf 5; Bates, Rock 4; White, Dist 9: Education)

HB 430, establishing a committee to study the feasibility of establishing a state development bank in New Hampshire. (Marshall Quandt, Rock 13; Weyler, Rock 8; L. Christiansen, Hills 27; Gorman, Hills 23; Matt Quandt, Rock 13; Cote, Hills 23; Gallus, Dist 1: Commerce and Consumer Affairs)

HB 431, relative to psychiatric evaluations. (Bouchard, Merr 11: Judiciary)

HB 432, limiting traffic violation stops of women at night. (Ingbretson, Graf 5; Itse, Rock 9: Criminal Justice and Public Safety)

HB 433-FN-A, relative to the exhumation and testing of victims of the so-called Connecticut River Killer and making an appropriation therefor. (S. Lindsey, Ches 3: Criminal Justice and Public Safety)

HB 434, relative to procedures for investigating law enforcement officers involved in critical incidents. (Reilly, Graf 8; Tobin, Belk 2; Simard, Graf 8; Simpson, Belk 1; Brosseau, Graf 6: Criminal Justice and Public Safety)

HB 435, establishing a committee to study joint parenting decisions. (L. Christiansen, Hills 27: Children and Family Law)

HB 436, establishing a committee to study the guardian ad litem board. (L. Christiansen, Hills 27: Judiciary)

HB 437-FN, relative to the definition of marriage. (Bates, Rock 4; Kappler, Rock 2; Cebrowski, Hills 18; Sorg, Graf 3; Ulery, Hills 27; C. Vita, Straf 3; Silva, Hills 26; T. Smith, Merr 9; Gionet, Graf 3; Balboni, Hills 21; Worsman, Belk 3; Groen, Dist 6; White, Dist 9: Judiciary)

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, and Keene District Courts and establishing a committee to study the utilization of existing facilities to house courts leased by communities through the state. (Belvin, Hills 6; Daniels, Hills 6; Osgood, Sull 4; Tholl, Coos 2; Rappaport, Coos 1; Bragdon, Dist 11; Odell, Dist 8: Judiciary)

HB 439-FN-L, relative to claiming an invasive species as a habitat. (Drisko, Hills 5; C. Christensen, Hills 19; Russell, Belk 6: Resources, Recreation and Development)

HB 440-FN, requiring that New Hampshire join the lawsuit challenging federal health care reform legislation, and repealing the authority for state implementation of federal health care reform. (Vailancourt, Hills 15; Parsons, Straf 3: State-Federal Relations and Veterans Affairs)

HB 441-FN, relative to muffling devices on boats. (Hikel, Hills 7: Transportation)

HB 442-FN, relative to the use of marijuana for medicinal purposes. (Merrick, Coos 2; Jennifer Coffey, Merr 6; Schlachman, Rock 13; Swinford, Belk 5; Pilliod, Belk 5; Reagan, Rock 1; DiPentima, Rock 16; S. Lindsey, Ches 3; Panek, Straf 3; Forsythe, Dist 4: Health, Human Services and Elderly Affairs)

HB 443-FN, establishing that marriage between one man and one woman shall be the only legal domestic union that shall be valid or recognized in this state. (Pepino, Hills 11; K. Souza, Hills 11; Baldasaro, Rock 3; Itse, Rock 9; De Blois, Dist 18; Boutin, Dist 16: Judiciary)

HB 444-FN, making John Stark Day a New Hampshire state holiday. (Rowe, Hills 6; Wall Straf 7: Executive Departments and Administration)

HB 445-FN, relative to the regulation of electronic tracking devices. (Kurk, Hills 7; L. Jones, Straf 1: Commerce and Consumer Affairs)

HB 446-FN, repealing the authority for regulation of certain professional occupations. (Bowers, Sull 3; Kurk, Hills 7; Cohn, Merr 6; Pratt, Hills 7; Lambert, Hills 27: Executive Departments and Administration)

HB 447-FN, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. (Sapareto, Rock 5; Weyler, Rock 8; Manuse, Rock 5: Ways and Means)

HB 448-FN, relative to spice incense products. (Emerson, Ches 7; Ladd, Graf 5; D. Reed, Merr 2; J. Johnson, Ches 6; Larsen, Dist 15: Criminal Justice and Public Safety)

HB 449-FN, expanding the information available on the state transparency website. (Weyler, Rock 8; Sapareto, Rock 5: Executive Departments and Administration)

HB 450, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics. (Bates, Rock 4; C. McGuire, Merr 8; D. McGuire, Merr 8; Bowers, Sull 3; Luther, Dist 12; White, Dist 9: Executive Departments and Administration)

HB 451-FN, prohibiting the use of prerecorded political messages for political advocacy within 30 days prior to an election. (Elliott, Rock 4: Election Law)

HB 452-FN, establishing the independent regulation of dental hygienists. (Cebrowski, Hills 18; C. McGuire, Merr 8; DiPentima, Rock 16; Odell, Dist 8; Houde, Dist 5: Executive Departments and Administration)

HB 453-FN-L, making persons fleeing to avoid prosecution or custody or violating parole or probation ineligible to receive certain disability aid. (Cebrowski, Hills 18; Kotowski, Merr 9; Seidel, Hills 20; Case, Rock 1; Merrick, Coos 2: Criminal Justice and Public Safety)

HB 454-FN-A, establishing a job creation credit against the business profits tax and the business enterprise tax for small businesses increasing employment in New Hampshire. (Brunelle, Hills 10; Grassie, Straf 1; Suzanne Smith, Graf 7; Harding, Graf 11; Schlachman, Rock 13; Taylor, Graf 2; Horrigan, Straf 7; Pierce, Graf 9: Ways and Means)

HB 455-FN, authorizing optional enhanced drivers' licenses and optional enhanced nondrivers' picture identification cards. (Bulis, Graf 1; Case, Rock 1; Gionet, Graf 3; Weyler, Rock 8; D. Reed, Merr 2; Gallus, Dist 1; Carson, Dist 14: Transportation)

HB 456-FN, relative to the calculation of average final compensation for the purpose of determining retirement system benefits. (Sova, Graf 10: Special Committee on Public Employee Pensions Reform)

HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. (Vaillancourt, Hills 15; Kolodziej, Rock 4; L. Jones, Straf 1: Municipal and County Government)

HB 458-FN-A, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. (Mirski, Graf 10; O'Brien, Hills 4; Seidel, Hills 20; Cebrowski, Hills 18; Stepanek, Hills 6: Executive Departments and Administration)

HB 459-FN, relative to placement of political advertising. (Bolster, Belk 5; Pilliod, Belk 5: Election Law)

HB 460-FN, relative to the retirement age for group II members. (Hawkins, Hills 18; Kurk, Hills 7; Reagan, Rock 1; Bradley, Dist 3; Boutin, Dist 16; White, Dist 9: Special Committee on Public Employee Pensions Reform)

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. (Hawkins, Hills 18; Reagan, Rock 1; Harding, Graf 11; Kurk, Hills 7; Boutin, Dist 16; White, Dist 9: Special Committee on Public Employee Pensions Reform)

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. (Hawkins, Hills 18; Reagan, Rock 1; Harding, Graf 11; Kurk, Hills 7; Bradley, Dist 3; Boutin, Dist 16; White, Dist 9: Special Committee on Public Employee Pensions Reform)

HB 463-FN, relative to the retirement system maximum initial benefit limitation. (Hawkins, Hills 18; Harding, Graf 11; Kurk, Hills 7; Reagan, Rock 1; Bouchard, Merr 11: Special Committee on Public Employee Pensions Reform)

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. (Hawkins, Hills 18; Reagan, Rock 1; Kurk, Hills 7; Bradley, Dist 3; White, Dist 9: Special Committee on Public Employee Pensions Reform)

HB 465-FN, relative to the number of years for calculating average final compensation for retirement system benefits. (Hawkins, Hills 18; Reagan, Rock 1; Kurk, Hills 7; Bradley, Dist 3; White, Dist 9: Special Committee on Public Employee Pensions Reform)

HB 466-FN, eliminating the ballot law commission. (Vaillancourt, Hills 15: Election Law)

HB 467-FN, relative to the procedure for school districts to determine if a child in the juvenile court system is a child with a disability. (Sytek, Rock 4: Education)

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation. (Ahlgren, Carr 4: Resources, Recreation and Development)

HB 469-FN-A, establishing a credit against the business enterprise tax for operators collecting meals and rooms taxes. (Ahlgren, Carr 4: Ways and Means)

HB 470-FN, repealing the comprehensive shoreland protection act. (Renzullo, Hills 27; McConkey, Carr 3; Merrow, Carr 3; Howard, Sull 2; Scala, Carr 5: Resources, Recreation and Development)

HB 471-FN, relative to the discontinuance of certain tolls and authorizing the department of transportation to establish a toll plaza between exits 1 and 2 on the F.E. Everett turnpike. (C. Christensen, Hills 19; R. Barry, Hills 19; Hinch, Hills 19; Graham, Hills 18; Hawkins, Hills 18; White, Dist 9: Public Works and Highways)

HB 472-FN, relative to a certain E-Z Pass discount for Nashua toll plazas. (C. Christensen, Hills 19; R. Barry, Hills 19; Hinch, Hills 19; Graham, Hills 18; Hawkins, Hills 18; White, Dist 9: Public Works and Highways)

HB 473-FN, relative to fees added to the late payment of fees to bail commissioners. (Scala, Carr 5: Criminal Justice and Public Safety)

HB 474-FN, relative to freedom of choice on whether to join a labor union. (W. Smith, Rock 18; Baldasaro, Rock 3; Seidel, Hills 20; Lauer-Rago, Merr 2; Holden, Hills 4; Brosseau, Graf 6; Summers, Hills 26; Forsythe, Dist 4: Labor, Industrial and Rehabilitative Services)

HB 475-FN, relative to penalties under the consumer protection act. (Marshall Quandt, Rock 13; Shuler, Rock 11; Serlin, Rock 16; G. Hopper, Hills 7; Weyler, Rock 8; Carson, Dist 14; Gallus, Dist 1: Criminal Justice and Public Safety)

HB 476-FN, establishing an independent board of psychologists. (Weyler, Rock 8; Carson, Dist 14; Merrill, Dist 21: Executive Departments and Administration)

HB 477-FN, relative to the classification of certain highways in the town of Farmington. (Pitre, Straf 3; Cataldo, Straf 3; Weeden, Straf 6; Panek, Straf 3; Bradley, Dist 3: Public Works and Highways)

HB 478-FN-L, relative to testimony by video teleconference. (Umberger, Carr 1; Ulery, Hills 27; Bradley, Dist 3: Criminal Justice and Public Safety)

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities. (Harding, Graf 11; Millham, Belk 5; MacKay, Merr 11; Houde, Dist 5: Health, Human Services and Elderly Affairs)

HB 480-FN, establishing a state renovation, repair, and painting (RRP) rule program relative to lead-safe practices. (DiPentima, Rock 16; Millham, Belk 5: Executive Departments and Administration)

HB 481-FN, relative to the definition of disability for aid to the permanently and totally disabled. (L. Ober, Hills 27; Ulery, Hills 27; Haefner, Hills 27; Renzullo, Hills 27; Carson, Dist 14: Health, Human Services and Elderly Affairs)

HB 482-FN-A-L, relative to county reimbursements for nursing home services. (Bowers, Sull 3: Finance)

HB 483-FN-L, relative to mosquito control. (Copeland, Rock 13; Abrami, Rock 13; Ward, Rock 13; Schlachman, Rock 13; Peckham, Rock 13: Municipal and County Government)

HB 484-FN, requiring random drug testing of food stamp program participants. (Summers, Hills 26; Silva, Hills 26; LeBrun, Hills 26; Ohm, Hills 26; M. Reed, Hills 26; Whitehead, Hills 26: Health, Human Services and Elderly Affairs)

HB 485-FN, relative to requiring photo identification for food stamp program participants. (Summers, Hills 26; Silva, Hills 26; LeBrun, Hills 26; Ohm, Hills 26; M. Reed, Hills 26; Whitehead, Hills 26: Health, Human Services and Elderly Affairs)

HB 486-FN, relative to penalties for alcohol ignition interlock circumvention. (Hinch, Hills 19; Rhodes, Hills 22; Pellegrino, Hills 19; Tholl, Coos 2; White, Dist 9: Criminal Justice and Public Safety)

HB 487-FN, relative to election day registrants. (Jasper, Hills 27; DeLemus, Straf 1; Drisko, Hills 5; Boutin, Dist 16: Election Law)

HB 488-FN, relative to criminal records checks for employment with child day care agencies. (Day, Hills 7: Children and Family Law)

HB 489-FN, relative to health information exchange. (Millham, Belk 5; Rosenwald, Hills 22; Cebrowski, Hills 18; Harding, Graf 11; Kelly, Dist 10: Health, Human Services and Elderly Affairs)

HB 490-FN, adopting the interstate compact for juveniles. (Dowling, Rock 5: Children and Family Law)

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan. (Hawkins, Hills 18; Wall, Straf 7: Executive Departments and Administration)

HB 492-FN, establishing a deferred retirement option in the judicial retirement plan, and relative to benefits related to service of certain judges of probate retiring because of permanent disability. (Wall, Straf 7; Hawkins, Hills 18: Special Committee on Public Employee Pensions Reform)

HB 493-FN, relative to the certification of integrated residential communities. (Millham, Belk 5: Health, Human Services and Elderly Affairs)

HB 494-FN, relative to tipped employees who deal card and table games at games of chance venues. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services)

HB 495-FN, relative to the prevention of the use of pesticides on the grounds of child day care facilities, schools, and state parks. (Suzanne Smith, Graf 7; Gile, Merr 10; Gargas, Hills 5: Science, Technology and Energy)

HB 496-FN, relative to radiological monitoring in nuclear emergency planning zones. (Sheffert, Rock 15: Science, Technology and Energy)

- HB 497-FN-L**, relative to the placement of crosswalks and a stop sign in the town of Rye. (Sheffert, Rock 15: Public Works and Highways)
- HB 498-FN**, relative to weed control along certain state routes. (Sheffert, Rock 15: Finance)
- HB 499-FN**, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation. (G. Richardson, Merr 4: Judiciary)
- HB 501-FN-L**, requiring the teaching of cardiopulmonary resuscitation in public schools. (Spainhower, Straf 2; Sprague, Straf 2; D. Hooper, Straf 5; Andolina, Straf 6: Education)
- HB 502-FN**, relative to low-digit number plates. (Soltani, Merr 8: Transportation)
- HB 503**, allowing a master electrician to have 2 apprentice electricians under his or her supervision. (Infantine, Hills 13: Executive Departments and Administration)
- HB 504-FN**, licensing reverse distributors of drugs and requiring manufacturers and wholesalers to report changes in ownership. (Case, Rock 1; S. Keans, Straf 1: Commerce and Consumer Affairs)
- HB 505-FN**, making charter schools eligible for grants for leased space. (Comerford, Rock 9; Schlachman, Rock 13; Antosz, Rock 9; Weyler, Rock 8: Education)
- HB 506-FN**, relative to false allegations of child abuse. (Ingbretson, Graf 5; Mirski, Graf 10: Children and Family Law)
- HB 507-FN**, requiring the department of transportation to establish a storage depot for storing historic bridge parts. (S. Lindsey, Ches 3: Public Works and Highways)
- HB 508-FN**, establishing a performance measurement system for state agencies. (Moran, Hills 18; Itse, Rock 9; Stepanek, Hills 6; Cebrowski, Hills 18; Seidel, Hills 20: Executive Departments and Administration)
- HB 509-FN**, relative to drinking water at temporary mass gatherings. (DiPentima, Rock 16; Powers, Rock 16: Commerce and Consumer Affairs)
- HB 510**, requiring marital masters to be New Hampshire residents. (Rowe, Hills 6; Itse, Rock 9; Kappler, Rock 2: Judiciary)
- HB 511**, relative to retired judges over 70 years of age. (Rowe, Hills 6; Kappler, Rock 2; Itse, Rock 9: Judiciary)
- HB 512**, relative to education requirements for certification as a guardian ad litem. (Oligny, Rock 8; Sapareto, Rock 5; Ulery, Hills 27; J. Johnson, Ches 6; Baldasaro, Rock 3; Itse, Rock 9; Lambert, Hills 27; Kreis, Merr 6: Children and Family Law)
- HB 513-FN**, relative to end of life aid in dying for certain persons suffering from a terminal disease. (Weed, Ches 3; Parkhurst, Ches 4; Vaillancourt, Hills 15: Health, Human Services and Elderly Affairs)
- HB 514**, relative to entry on private land. (Weyler, Rock 8; Barnes, Jr., Dist 17: Judiciary)
- HB 515-FN**, relative to voter registration and relative to procedures for absentee voting. (J. Belanger, Hills 5; Drisko, Hills 5; Jasper, Hills 27: Election Law)
- HB 516-FN-A**, establishing Red Sox number plates to benefit the Children's Hospital at Dartmouth. (Horrigan, Straf 7; Comerford, Rock 9; Barnes, Jr., Dist 17: Transportation)
- HB 517-FN**, repealing provisions concerning licensure of fuel gas fitters. (Hunt, Ches 7: Executive Departments and Administration)
- HB 518-FN-A**, increasing the research and development tax credit and establishing a commission to assess the effectiveness of the credit. (Garcia, Rock 4: Ways and Means)
- HB 519-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. (R. Barry, Hills 19; Kurk, Hills 7; Mirski, Graf 10; Manuse, Rock 5; L. Vita, Straf 3; Forsythe, Dist 4; De Blois, Dist 18; White, Dist 9: Science, Technology and Energy)
- HB 520-FN**, requiring certain bills to have performance standard notes. (Kurk, Hills 7; Belvin, Hills 6; Moran, Hills 18: Legislative Administration)
- HB 521**, relative to meeting dates for county conventions. (B. Patten, Carr 4: Municipal and County Government)
- HB 522-FN**, relative to elder abuse. (Katsakiores, Rock 5; Ferrante, Rock 5; J. O'Connor, Rock 5: Judiciary)
- CACR 6**, relating to taxation. Providing that a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit. (Ulery, Hills 27; Renzullo, Hills 27: Ways and Means)

CACR 7, relating to education funding. Providing that the general court shall distribute funds in the manner that it determines will best promote an equal opportunity for an adequate education. (G. Richardson, Merr 4; Campbell, Hills 24: Special Committee on Education Funding Reform)

RECESS

(Rep. Betsey Patten in the Chair)

RESOLUTION

Rep. Potter offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 523 through 564 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 523-FN, making various changes to the fish and game laws. (Kreis, Merr 6; Jennifer Coffey, Merr 6; Hoell, Merr 13; Comtois, Belk 5; Boutin, Dist 16: Fish and Game and Marine Resources)

HB 524-FN, excluding persons convicted of violent crimes from mandatory early release on probation or parole. (Jennifer Coffey, Merr 6; Chandler, Carr 1; O'Brien, Hills 4; Baldasaro, Rock 3; Swinford, Belk 5; Bragdon, Dist 11; Carson, Dist 14: Criminal Justice and Public Safety)

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C. (Notter, Hills 19; J. Thomas, Hills 19; Hinch, Hills 19; Stroud, Hills 19; Baldasaro, Rock 3; White, Dist 9; Bradley, Dist 3; Carson, Dist 14; Lambert, Dist 13: Public Works and Highways)

HB 526-FN-L, requiring the registration of persons convicted of animal abuse. (Blankenbeker, Merr 11; Birdsell, Rock 8; Antosz, Rock 9: Criminal Justice and Public Safety)

HB 527, relative to tort reform. (McClarren, Hills 21: Judiciary)

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program. (Ladd, Graf 5; Boehm, Hills 27; Jasper, Hills 27; Fleck, Carr 5; D'Allesandro, Dist 20: Education)

HB 529-FN, relative to real property on which methamphetamine has been produced. (Nevins, Rock 15; Butynski, Ches 4: Judiciary)

HB 530-FN, relative to state regulation of the septic system installation process. (Groen, Straf 1: Municipal and County Government)

HB 531, relative to uniformed presence officers in highway work zones. (Groen, Straf 1; Holden, Hills 4; Cebrowski, Hills 18; Blankenbeker, Merr 11; D. McGuire, Merr 8; Sorg, Graf 3: Public Works and Highways)

HB 532-L, relative to municipal liability for dog bites. (Greazzo, Hills 17: Judiciary)

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year. (Ladd, Graf 5; Boehm, Hills 27; Jasper, Hills 27; Fleck, Carr 5: Special Committee on Education Funding Reform)

HB 534-FN-A, relative to nonprofit reporting requirements with the division of charitable trusts, department of justice and making an appropriation therefor. (Munck, Straf 2: Judiciary)

HB 535, relative to the committee to study parole boards and parole board procedures. (Pantelakos, Rock 16; Welch, Rock 8; Charron, Rock 7: Criminal Justice and Public Safety)

HB 536-FN, relative to the natural right to carry a firearm, openly or concealed, without a license. (Hoell, Merr 13; Burt, Hills 7; Cunningham, Sull 2; Itse, Rock 9; Forsythe, Dist 4; Bradley, Dist 3; White, Dist 9; Lambert, Dist 13; De Blois, Dist 18: Criminal Justice and Public Safety)

HB 537-FN, reducing retirement allowances paid by the New Hampshire retirement system. (Reagan, Rock 1: Special Committee on Public Employee Pensions Reform)

HB 538-FN, establishing a reporting system for court decisions relative to the determination of parental rights and responsibilities and the appointment of guardians ad litem. (Oligny, Rock 8; Sapareto, Rock 5; Baldasaro, Rock 3; Ulery, Hills 27; Itse, Rock 9; Lambert, Hills 27; Manuse, Rock 5: Judiciary)

HB 539-FN, repealing the state enforcement of OBD II requirements for motor vehicles. (Gionet, Graf 3; Ladd, Graf 5; Bates, Rock 4; Bradley, Graf 4; Gallus, Dist 1: Transportation)

HB 540-FN, relative to motor vehicle inspections. (K. Murphy, Hills 18; Vaillancourt, Hills 15; Greazzo, Hills 17; DeJong, Hills 9; Mirski, Graf 10; White, Dist 9: Transportation)

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits. (Emerton, Hills 7: Municipal and County Government)

HB 542-FN, amending the school attendance statutes, amending the statute for suspension or expulsion of a pupil for possession of certain weapons, and repealing the rulemaking and reporting provisions of the Parents as Teachers program. (Hoell, Merr 13: Education)

HB 543-FN, relative to biomass combined heat and electricity facilities. (Rappaport, Coos 1; Kaen, Straf 7; Holden, Hills 4; Remick, Coos 2; Bradley, Dist 3; Merrill, Dist 21; Gallus, Dist 1: Science, Technology and Energy)

HB 544, relative to state authority over firearms and ammunition. (Jennifer Coffey, Merr 6; Welch, Rock 8; Jasper, Hills 27; Swinford, Belk 5; Simmons, Hills 17; Warden, Hills 7; Itse, Rock 9; Groen, Straf 1; Gagne, Hills 13; Kreis, Merr 6; Carson, Dist 14; Bradley, Dist 3; Boutin, Dist 16: Criminal Justice and Public Safety)

HB 545, repealing the department of education's rulemaking authority for home education programs. (Bates, Rock 4; Garcia, Rock 4; Ingbreton, Graf 5; Boehm, Hills 27; J. Richardson, Merr 8; Carson, Dist 14; Groen, Dist 6: Education)

HB 546, relative to the use of hand-held cellular phones while driving. (Pantelakos, Rock 16; Hofemann, Straf 6; Welch, Rock 8; Swinford, Belk 5: Transportation)

HB 547, authorizing the establishment of milfoil remediation shoreland assessment districts by municipalities, and authorizing village districts for the purpose of eradication, remediation, or control of milfoil and other exotic aquatic plants. (Drisko, Hills 5; Russell, Belk 6: Municipal and County Government)

HB 548, relative to boater safety education and relative to the minimum age for operation of motorized vessels. (C. Christensen, Hills 19; Hikel, Hills 7; Russell, Belk 6: Transportation)

HB 549, relative to driver's license reexaminations. (Williams, Merr 11; Hinch, Hills 19; Rokas, Hills 12: Transportation)

HB 550-L, relative to the payment of bills by municipalities. (Reagan, Rock 1: Municipal and County Government)

HB 551, relative to religious societies. (Itse, Rock 9; Kappler, Rock 2; Hoell, Merr 13; Rappaport, Coos 1; Gagne, Hills 13: Judiciary)

HB 552, establishing a committee to study repealing the revisions to the law implemented by SB 500-FN of the 2010 legislative session. (Pepino, Hills 11; Marshall Quandt, Rock 13; K. Souza, Hills 11; Infantine, Hills 13; Boutin, Dist 16; Gallus, Dist 1: Criminal Justice and Public Safety)

HB 553, relative to the law on wiretapping and eavesdropping. (Ulery, Hills 27: Criminal Justice and Public Safety)

HB 554, relative to mental health records. (Kurk, Hills 7: Health, Human Services and Elderly Affairs)

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river. (Kappler, Rock 2; Sanders, Rock 7; Itse, Rock 9; Comerford, Rock 9; Antosz, Rock 9; Schlachman, Rock 13; Stiles, Dist 24: Resources, Recreation and Development)

HB 556, relative to citizen complaints against police officers. (Sapareto, Rock 5; Ingbreton, Graf 5; Mirski, Graf 10; Gagne, Hills 13; Manuse, Rock 5: Criminal Justice and Public Safety)

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. (Sapareto, Rock 5; Weyler, Rock 8; Major, Rock 8; Chandler, Carr 1; Mirski, Graf 10; Gallus, Dist 1; Barnes, Jr., Dist 17: Ways and Means)

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts. (Major, Rock 8; Weyler, Rock 8; Sapienza, Rock 8; Oligny, Rock 8; Morse, Dist 22: Public Works and Highways)

HB 559, establishing a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses and authorizing the development of a solar photovoltaic renewable energy project in Manchester. (Baroody, Hills 13; Goley, Hills 8; Infantine, Hills 13; D. Sullivan, Hills 8; Carson, Dist 14; De Blois, Dist 18: Science, Technology and Energy)

HB 560, increasing the minimum wage. (Brunelle, Hills 10; Rokas, Hills 12; Gile, Merr 10; Benn, Graf 9; Grassie, Straf 1; Horrigan, Straf 7; Pierce, Graf 9: Labor, Industrial and Rehabilitative Services)

HB 561-FN, prohibiting the state payment of the cost of wireless communications services for legislators and staff. (Brunelle, Hills 10; Pierce, Graf 9: Science, Technology and Energy)

HB 562, relative to overdraft fees charged by banks. (Brunelle, Hills 10; Suzanne Smith, Graf 7; Sad, Ches 2; Grassie, Straf 1; Schlachman, Rock 13; Benn, Graf 9; Pierce, Graf 9: Commerce and Consumer Affairs)

HB 563, revising the child support guidelines based on foster care reimbursement rates. (Oigny, Rock 8; Sapareto, Rock 5; Ulery, Hills 27; J. Johnson, Ches 6; Baldasaro, Rock 3; Lambert, Hills 27; Wheaton, Rock 14: Children and Family Law)

HB 564, relative to the adoption of forms by the department of revenue administration for the filing of taxes. (Jennifer Coffey, Merr 6; Kurk, Hills 7; Bettencourt, Rock 4; Stepanek, Hills 6; Jasper, Hills 27; Carson, Dist 14; Boutin, Dist 16: Ways and Means)

RECESS

(Speaker O'Brien in the Chair)

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 565 through 599 and 601 through 605 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 565, establishing a dental hygienists committee within the board of dental examiners. (P. Schmidt, Straf 4: Executive Departments and Administration)

HB 566, relative to the identification of dental prosthetic appliances. (P. Schmidt, Straf 4: Commerce and Consumer Affairs)

HB 567, relative to physical force in defense of a person. (Mirski, Graf 10; Manuse, Rock 5: Criminal Justice and Public Safety)

HB 568, relative to smoking within certain areas of New Hampshire state parks and historic sites. (Bolster, Belk 5; Odell, Dist 8: Resources, Recreation and Development)

HB 569-FN, establishing domestic union as a valid contract and extending certain rights to parties to a domestic union. (Bolster, Belk 5; Cohn, Merr 6; Comerford, Rock 9; Waddell, Rock 15; Lambert, Hills 27; Pratt, Hills 7; Drisko, Hills 5; Ball, Hills 9; C. Christensen, Hills 19; Manuse, Rock 5: Judiciary)

HB 570, relative to licensure of guides by the fish and game department. (Watters, Straf 4; D. Reed, Merr 2; Stiles, Dist 24: Fish and Game and Marine Resources)

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department. (Watters, Straf 4; D. Reed, Merr 2; Stiles, Dist 24; Merrill, Dist 21: Fish and Game and Marine Resources)

HB 572-FN, relative to official oppression. (Itse, Rock 9; Ingbertson, Graf 5; D. McGuire, Merr 8; Barnes, Jr., Dist 17: Criminal Justice and Public Safety)

HB 573, relative to the administration of certain pain relief medications by a school nurse. (Notter, Hills 19; Summers, Hills 26; Panek, Straf 3; Weeden, Straf 6; J. Belanger, Hills 5; M. Reed, Hills 26; Oigny, Rock 8; LeBrun, Hills 26; Peterson, Hills 19; Leonard, Straf 1; White, Dist 9; Lambert, Dist 13; Carson, Dist 14: Health, Human Services and Elderly Affairs)

HB 574, relative to the taking of private property during a state of emergency. (Notter, Hills 19; Summers, Hills 26; M. Lindsley, Merr 5; Panek, Straf 3; Weeden, Straf 6; Giuda, Merr 7; Tregenza, Carr 2; Leonard, Straf 1; Avard, Hills 20; Carson, Dist 14: Judiciary)

HB 575, relative to the calculation of child support in cases of shared parenting. (Gargasz, Hills 5; Gile, Merr 10: Children and Family Law)

HB 576-FN, relative to the right to brandish a firearm in defense of one's property. (Panek, Straf 3; Notter, Hills 19; Ball, Hills 9: Criminal Justice and Public Safety)

HB 577, relative to the use of foreign languages by retail establishments. (Ulery, Hills 27; Baldasaro, Rock 3: Commerce and Consumer Affairs)

HB 578, relative to payment at time of medical services. (Garcia, Rock 4; Bates, Rock 4; Okerman, Rock 4; Renzullo, Hills 27; J. Johnson, Ches 6; Beattie, Hills 17: Commerce and Consumer Affairs)

- HB 579**, exempting department of revenue administration guidelines from the right-to-know law. (Kurk, Hills 7: Ways and Means)
- HB 580-FN-L**, relative to the New Hampshire retirement system. (Kurk, Hills 7; Hawkins, Hills 18; White, Dist 9: Special Committee on Public Employee Pensions Reform)
- HB 581**, regulating guaranteed price plans and prepaid contracts for petroleum. (Marshall Quandt, Rock 13; Weyler, Rock 8; Matt Quandt, Rock 13; Shuler, Rock 11; Serlin, Rock 16; Carson, Dist 14: Commerce and Consumer Affairs)
- HB 582**, relative to communication between employers and employees during bargaining negotiations. (Burt, Hills 7; Comerford, Rock 9; Pitre, Straf 3: Labor, Industrial and Rehabilitative Services)
- HB 583**, relative to including projected sea level rise in planning and implementation of state-funded projects. (Watters, Straf 4; R. Read, Rock 16; Sprague, Straf 2; D. Hooper, Straf 5: Public Works and Highways)
- HB 584**, authorizing coastal management provisions in master plans. (Watters, Straf 4; R. Read, Rock 16; D. Hooper, Straf 5; Merrill, Dist 21: Public Works and Highways)
- HB 585**, proclaiming the third Friday in October as New Hampshire history day. (Watters, Straf 4; Norelli, Rock 16; Welch, Rock 8; K. Roberts, Ches 3; Odell, Dist 8; Merrill, Dist 21: Legislative Administration)
- HB 586**, establishing an interdepartmental public health and environmental coordinating committee. (DiPentima, Rock 16: Executive Departments and Administration)
- HB 587**, relative to grounds for divorce for persons with minor children. (G. Hopper, Hills 7; Groen, Straf 1; Comerford, Rock 9; Ingbretson, Graf 5: Children and Family Law)
- HB 588**, relative to polling hours and location of polling places. (Pierce, Graf 9; Comerford, Rock 9: Election Law)
- HB 589**, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit. (W. Smith, Rock 18; C. McGuire, Merr 8; Pellegrino, Hills 19; Brosseau, Graf 6; Summers, Hills 26: Labor, Industrial and Rehabilitative Services)
- HB 590**, declaring unconstitutional under the federal Constitution the offering of federal grants-in-aid relating to matters not included among the defined powers of the federal government and declaring unconstitutional under the New Hampshire constitution their acceptance in such circumstances, and establishing a committee to review state participation in federal grant-in-aid programs. (Sorg, Graf 3; Mirski, Graf 10; D. McGuire, Merr 8; Itse, Rock 9: State-Federal Relations and Veterans Affairs)
- HB 591**, relative to the determination of parental rights based on the best interest of the child; relative to grounds for modification of an order regarding parental rights and responsibilities, and relative to grandparent and stepparent visitation rights. (Oigny, Rock 8; Sapareto, Rock 5; Baldasaro, Rock 3; Ulery, Hills 27; Manuse, Rock 5: Children and Family Law)
- HB 592**, apportioning state representative districts, congressional districts, executive council districts, and county commissioner districts. (Tucker, Rock 17; Umberger, Carr 1; Infantine, Hills 13; Mirski, Graf 10: Special Committee on Redistricting)
- HB 593-FN-A-L**, relative to video lottery and table gaming. (Gionet, Graf 3; Weyler, Rock 8; Ladd, Graf 5; D'Allesandro, Dist 20; Gallus, Dist 1; Stiles, Dist 24: Ways and Means)
- HB 594**, relative to the application of procedures for discharge or suspension from county employment. (Chandler, Carr 1; Bettencourt, Rock 4; Infantine, Hills 13; B. Patten, Carr 4; Odell, Dist 8: Municipal and County Government)
- HB 595**, amending the compulsory school attendance statutes to permit parent-directed instruction programs and repealing the home education statutes. (L. Jones, Straf 1; Manuse, Rock 5; Cohn, Merr 6; Baldasaro, Rock 3; C. Vita, Straf 3; Accornero, Belk 4; Avard, Hills 20; S. Palmer, Hills 6; Simpson, Belk 1; Brosseau, Graf 6; White, Dist 9; Forsythe, Dist 4; Luther, Dist 12: Education)
- HB 596**, establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park. (Emerton, Hills 7: Judiciary)
- HB 597**, revising the child support guidelines based on an income shares model of calculating child support. (Moran, Hills 18; Gile, Merr 10; Carson, Dist 14: Children and Family Law)
- HB 598**, prohibiting a candidate from receiving the nomination of more than one party. (L. Jones, Straf 1; Leonard, Straf 1; J. Brown, Straf 1; Weeden, Straf 6; Panek, Straf 3: Election Law)
- HB 599**, relative to appointments and reappointments of marital masters. (Soltani, Merr 8; Itse, Rock 9; Ingbretson, Graf 5; Mirski, Graf 10: Judiciary)
- HB 601-FN**, relative to implementation of federal health care reform. (Hunt, Ches 7: Commerce and Consumer Affairs)

HB 602-FN-A, relative to funding the law requiring reporting of health care acquired infections. (C. McMahon, Rock 4: Commerce and Consumer Affairs)

HB 603, prohibiting public works projects and natural formations from being named in honor of any living elected official. (S. Lindsey, Ches 3: Public Works and Highways)

HB 604, relative to the procedures for approval of plans, specifications, and costs of school building construction or renovation. (Ladd, Graf 5; Jasper, Hills 27; Boehm, Hills 27; Stiles, Dist 24: Education)

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. (Garcia, Rock 4; Beattie, Hills 17; Oligny, Rock 8; Moran, Hills 18; Avard, Hills 20; Stepanek, Hills 6; White, Dist 9; Stiles, Dist 24: Ways and Means)

RECESS

(Rep. Bettencourt in the Chair)

RESOLUTION

Rep. Winter offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 606 through 643, House Concurrent Order numbered 1, House Concurrent Resolutions numbered 8 through 26, House Resolutions numbered 7 through 10 and Constitutional Amendment Concurrent Resolutions numbered 8 through 13 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS, HCO, HCRS, HRS AND CACRS

First, second reading and referral

HB 606, establishing a committee to study the formation of a consumer protection working group. (Schlachman, Rock 13; G. Richardson, Merr 4; Nevins, Rock 15; Dowling, Rock 5; S. Lindsey, Ches 3: Commerce and Consumer Affairs)

HB 607, relative to exemptions under the consumer protection act. (Schlachman, Rock 13; Dowling, Rock 5: Commerce and Consumer Affairs)

HB 608, establishing a committee to study the health and environmental effects of using industrial-grade silicofluorides and industrial-grade sodium fluoride for water fluoridation in New Hampshire. (L. Christiansen, Hills 27: Science, Technology and Energy)

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division. (G. Richardson, Merr 4; Houde, Dist 5; Morse, Dist 22: Judiciary)

HB 610-FN-A, establishing number plates supporting New Hampshire public higher education. (Horrigan, Straf 7: Transportation)

HB 611-FN-A, relative to determination of the reasonable compensation deduction under the business profits tax. (Hess, Merr 9; Chandler, Carr 1; Bettencourt, Rock 4; Stepanek, Hills 6; Kurk, Hills 7; Bradley, Dist 3; Rausch, Dist 19; Sanborn, Dist 7: Ways and Means)

HB 612, establishing a commission to study existing septic systems and potential new septic technologies. (Millham, Belk 5; Kidder, Merr 1; Odell, Dist 8: Science, Technology and Energy)

HB 613, establishing exemptions from the licensing requirements for first mortgage bankers and brokers. (Sapienza, Rock 8; Sedensky, Rock 8; Hess, Merr 9: Commerce and Consumer Affairs)

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services. (Gile, Merr 10; Moran, Hills 18; F. Gould, Graf 11; J. Brown, Straf 1: Judiciary)

HB 615, creating a database of New Hampshire grown genetically modified crops. (Owen, Merr 4: Environment and Agriculture)

HB 616-FN, relative to coverage for divorced spouses. (Headd, Rock 3: Commerce and Consumer Affairs)

HB 617, repealing the prohibitions on Sunday business activities. (C. McGuire, Merr 8; R. Belanger, Rock 4; Horrigan, Straf 7: Commerce and Consumer Affairs)

HB 618-FN, requiring state agencies to submit an efficiency level expenditure estimate to the commissioner of administrative services as part of the biennial budget process. (Cebrowski, Hills 18; Major, Rock 8; K. Roberts, Ches 3; Belvin, Hills 6; Kurk, Hills 7; Manuse, Rock 5; White, Dist 9; Boutin, Dist 16; Bradley, Dist 3: Finance)

HB 619-FN, requiring the state of New Hampshire to opt out of the requirement that individuals purchase health insurance contained in the Patient Protection and Affordable Care Act. (Kurk, Hills 7: Commerce and Consumer Affairs)

HB 620, establishing a commission to study the creation of a health care pool for police, fire, teachers, state, university, and municipal employees. (Simard, Graf 8; Chandler, Carr 1; Renzullo, Hills 27: Executive Departments and Administration)

HB 621-FN-L, relative to the authority of the department of transportation. (Hill, Merr 6; Jennifer Coffey, Merr 6; Kreis, Merr 6; Chandler, Carr 1; T. Keane, Merr 13; Foose, Merr 1; Bradley, Dist 3: Public Works and Highways)

HB 622, relative to adjustments to the semi-annual collection of property taxes in towns and cities. (B. Patten, Carr 4; Knox, Carr 4; Ahlgren, Carr 4; S. Schmidt, Carr 4: Municipal and County Government)

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission. (G. Hopper, Hills 7; Comerford, Rock 9; L. Vita, Straf 3; Ingbreton, Graf 5: Executive Departments and Administration)

HB 624, relative to the rulemaking authority of state agencies to establish or increase fees and costs. (Giuda, Merr 7; O'Brien, Hills 4; Bettencourt, Rock 4; F. Rice, Rock 15; Hansen, Hills 6; Pitre, Straf 3; Laware, Sull 5; Tamburello, Rock 3; Donovan, Hills 2; W. Hutchinson, Hills 9; Bradley, Dist 3: Executive Departments and Administration)

HB 625-FN-A, relative to New Hampshire correctional industries. (Groen, Straf 1; Seidel, Hills 20; Comerford, Rock 9: Executive Departments and Administration)

HB 626-FN, relative to a division of motor vehicles office location in Milford. (Daniels, Hills 6: Transportation)

HB 627-FN, relative to "essential benefits" under federal health care reform. (Hunt, Ches 7: Commerce and Consumer Affairs)

HB 628-FN, making the touching or viewing with a technological device of a person's breasts or genitals by a government security agent without probable cause a sexual assault. (Lambert, Hills 27; Manuse, Rock 5; L. Jones, Straf 1; Itse, Rock 9; Sapareto, Rock 5: Children and Family Law)

HB 629-FN, relative to the uninsured health care database. (Hunt, Ches 7: Commerce and Consumer Affairs)

HB 630, requiring state agencies, boards, and commissions to submit a report to the senate and house finance committees concerning the need for fee increases or new fees. (Infantine, Hills 13: Executive Departments and Administration)

HB 631-FN-L, repealing the requirement that all school districts offer public kindergarten. (Maltz, Hills 27: Education)

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems. (Case, Rock 1; Bulis, Graf 1: Health, Human Services and Elderly Affairs)

HB 633, preventing prescribing practitioners from owning pharmacies in-state and out-of-state. (Case, Rock 1; Bulis, Graf 1: Commerce and Consumer Affairs)

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent. (G. Richardson, Merr 4; Houde, Dist 5: Children and Family Law)

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. (Kurk, Hills 7; Weyler, Rock 8; Belvin, Hills 6; Bouchard, Merr 11; Hawkins, Hills 18; Bragdon, Dist 11; Morse, Dist 22: Executive Departments and Administration)

HB 636-FN-A, increasing the rate of the Medicaid enhancement tax, the nursing facility quality assessment fee, and the ICF quality assessment fee. (Kurk, Hills 7: Ways and Means)

HB 637-FN, relative to lowering the legal drinking age for members of the armed forces. (S. Lindsey, Ches 3; Panek, Straf 3: Judiciary)

HB 638-FN, relative to access to public buildings by brick or stone walkways. (Sprague, Straf 2; Schlachman, Rock 13: Public Works and Highways)

HB 639-FN-L, requiring impact studies for large-scale retail development. (Brunelle, Hills 10; Pierce, Graf 9: Municipal and County Government)

HB 640-FN, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians. (Millham, Belk 5; Cebrowski, Hills 18; Houde, Dist 5: Judiciary)

HB 641-FN, relative to lien authority for the office of reimbursements within the department of health and human services. (Millham, Belk 5; Cebrowski, Hills 18; Odell, Dist 8: Judiciary)

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information. (Rosenwald, Hills 22; Kurk, Hills 7; Nordgren, Graf 9: Health, Human Services and Elderly Affairs)

HB 643, relative to propane sales. (Emerson, Ches 7; McDonnell, Merr 7; J. Johnson, Ches 6; D. Reed, Merr 2; Barnes, Jr., Dist 17; Boutin, Dist 16: Commerce and Consumer Affairs)

HCO 1, relative to implementing an election pursuant to representative districts established in the order. (Winter, Merr 3; Balboni, Hills 21; Mirski, Graf 10: Special Committee on Redistricting)

HCR 8, urging the Transportation Security Administration to terminate recent changes to pat down search procedures and urging Congress and the President to change or discontinue the use of advanced imaging technology at airports. (Ulery, Hills 27; Renzullo, Hills 27; Kurk, Hills 7: State-Federal Relations and Veterans Affairs)

HCR 9, urging Congress to support H.R. 6416 or similar legislation relative to airport security. (Jennifer Coffey, Merr 6; Simmons, Hills 17; Lambert, Hills 27; K. Jones, Straf 1; Ball, Hills 9; Itse, Rock 9; DeJong, Hills 9; Carson, Dist 14: State-Federal Relations and Veterans Affairs)

HCR 10, urging the National Park Service to permit the exhumation of the body of Meriwether Lewis to determine the cause of his death. (S. Lindsey, Ches 3: State-Federal Relations and Veterans Affairs)

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. (Tregenza, Carr 2; K. Jones, Straf 1; L. Vita, Straf 3; DeJong, Hills 9; LaCasse, Sull 4; LeBrun, Hills 26; Kingsbury, Belk 4; Cataldo, Straf 3; Pettengill, Carr 1: State-Federal Relations and Veterans Affairs)

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. (Tregenza, Carr 2; L. Vita, Straf 3; LaCasse, Sull 4; Kingsbury, Belk 4; DeLemus, Straf 1; LeBrun, Hills 26; DeJong, Hills 9: State-Federal Relations and Veterans Affairs)

HCR 13, urging Congress to pass legislation against losses in value due to money supply by the federal reserve; restoring gold and silver money; and phasing out the federal reserve system. (Tregenza, Carr 2; K. Jones, Straf 1; Tamburello, Rock 3; Warden, Hills 7; Lambert, Hills 27; Pettengill, Carr 1; DeJong, Hills 9; Kingsbury, Belk 4; Cataldo, Straf 3: State-Federal Relations and Veterans Affairs)

HCR 14, applying to Congress to convene a convention proposing amendments to the United States Constitution. (Weyler, Rock 8; Marshall Quandt, Rock 13; Shuler, Rock 11; Sapareto, Rock 5; Barnes, Jr., Dist 17: State-Federal Relations and Veterans Affairs)

HCR 15, ordering our federal senators to vote against the Law of the Sea Convention. (Itse, Rock 9; Hoell, Merr 13; C. Vita, Straf 3; L. Vita, Straf 3; Comerford, Rock 9: State-Federal Relations and Veterans Affairs)

HCR 16, urging the prohibition of enforcing a particular federal executive order. (Itse, Rock 9; C. Vita, Straf 3; L. Vita, Straf 3; Comerford, Rock 9; Hikel, Hills 7: State-Federal Relations and Veterans Affairs)

HCR 17, declaring that Copp versus Henniker and the opinions which subsequently relied upon Copp versus Henniker are void and of no force. (Itse, Rock 9: Judiciary)

HCR 18, declaring Merrill versus Sherburne to be void and of no force. (Itse, Rock 9: Judiciary)

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. (Itse, Rock 9; Comerford, Rock 9; Kappler, Rock 2; Lambert, Hills 27; Pratt, Hills 7; Seidel, Hills 20; Sova, Graf 10; E. Hogan, Hills 25; Sorg, Graf 3; Tregenza, Carr 2: State-Federal Relations and Veterans Affairs)

HCR 20, urging Congress to expedite the return of the Coast Guard Cutter USCGC Storis to the state of Alaska to become Alaska's first maritime museum. (S. Lindsey, Ches 3: State-Federal Relations and Veterans Affairs)

HCR 21, urging the US Army Corps of Engineers to donate a portion of the wreckage of the USS Chickasaw, which served in the Civil War, to the state of New Hampshire. (S. Lindsey, Ches 3: State-Federal Relations and Veterans Affairs)

HCR 22, opposing the right of any firm, corporation, or individual to trademark the name Mount Washington. (Chandler, Carr 1; M. Tremblay, Coos 4; H. Richardson, Coos 2; Umberger, Carr 1; F. McCarthy, Carr 1; Bradley, Dist 3: State-Federal Relations and Veterans Affairs)

HCR 23, urging the New Hampshire congressional delegation to support earmarks for the Portsmouth Naval Shipyard. (Brunelle, Hills 10; Serlin, Rock 16; Schlachman, Rock 13; Horrigan, Straf 7; Pierce, Graf 9: State-Federal Relations and Veterans Affairs)

HCR 24, urging the New Hampshire congressional delegation to sponsor legislation implementing policy recommendations of the Congressional Budget Office. (Rep. Pierce, Graf 9: State-Federal Relations and Veterans Affairs)

HCR 25, urging Congress to amend the Internal Revenue Code to permit churches and other houses of worship to engage in political campaigns. (Bergevin, Hills 17; C. Soucy, Hills 17: State-Federal Relations and Veterans Affairs)

HCR 26, declaring that the Claremont case's mandates that the legislative and executive branches define an adequate education, determine its cost, fund its entire cost with state taxes, and ensure its delivery through accountability, are not binding on the legislative and executive branches. (Balboni, Hills 21; Mirski, Graf 10; Winter, Merr 3; Sorg, Graf 3; Itse, Rock 9; Forsythe, Dist 4: Special Committee on Education Funding Reform)

HR 7, directing the house judiciary committee to investigate whether grounds exist to impeach marital master Philip Cross and/or any justice of the New Hampshire superior court. (Itse, Rock 9; Ingbretson, Graf 5; Baldasaro, Rock 3; Seidel, Hills 20: Judiciary)

HR 8, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations. (Pierce, Graf 9; Richardson, Merr 4: State-Federal Relations and Veterans Affairs)

HR 9, supporting earmarks for public safety. (Brunelle, Hills 10; Pierce, Graf 9: State-Federal Relations and Veterans Affairs)

HR 10, urging the United States Congress to remove tax breaks for companies that send jobs out of the country. (Brunelle, Hills 10; Grassie, Straf 1; Harding, Graf 11; Benn, Graf 9, Pierce, Graf 9: State-Federal Relations and Veterans Affairs)

CACR 8, relating to education. Providing that the legislature shall have the power to authorize schools. (Itse, Rock 9; Ingbretson, Graf 5; Comerford, Rock 9; Mirski, Graf 10; Sorg, Graf 3; Barnes, Jr., Dist 17: Education)

CACR 9, relating to parental rights. Providing that the state shall not abridge the responsibility of parents for the health, education, and welfare of their children. (Itse, Rock 9; Ingbretson, Graf 5; Comerford, Rock 9; Mirski, Graf 10; Manuse, Rock 5; Seidel, Hills 20; Avard, Hills 20; Brosseau, Graf 6: Children and Family Law)

CACR 10, relating to establishing a New Hampshire state reserve fund. Providing that the New Hampshire state reserve fund shall be under the authority of the state treasurer and dedicated to offset the business profits tax, business enterprise tax, and the interest and dividends tax for purposes of lowering the rates of such taxes. (Malone, Belk 5: Ways and Means)

CACR 11, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms. (Reilly, Graf 8; Simard, Graf 8; Tobin, Belk 2; Brosseau, Graf 6: Judiciary)

CACR 12, relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis. (Hess, Merr 9; Graham, Hills 18; Packard, Rock 3; Jasper, Hills 27; Kurk, Hills 7; Bettencourt, Rock 4: Special Committee on Education Funding Reform)

CACR 13, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire. (Rep. Mirski, Graf 10; Rep. Bettencourt, Rock 4; Rep. Tamburello, Rock 3; Rep. O'Brien, Hills 4; Rep. Weyler, Rock 8; Sen. Bradley, Dist 3; Sen. Morse, Dist 22; Sen. Boutin, Dist 16: Ways and Means)

RECESS

(Rep. Jasper in the Chair)

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 644 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 644-FN, relative to various state laws pertaining to unlawfully present aliens. (Huxley, Hills 3; M. Reed, Hills 26: Criminal Justice and Public Safety)

RECESS

(Speaker O'Brien in the Chair)

Rep. Tucker moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 4

Wednesday, January 26, 2011

The House assembled at 10:00 a.m. and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Roger Boucher of Gilmanton Iron Works. Almighty God, we commend ourselves once again to Your counsel as we engage in our politics. Bless our new tasks with a practical spirit of justice and a genuine compassion toward those we serve. Keep us alert to the false illusion of building perfect utopias or plowing the salt in the sea. We thank You for the tolerance built into our hearts that allows us to address You in the public forum so that we may ask for the discipline of mind and heart we need to promote good order in the community of souls. Help us to recover the permanent things that secure our individual liberties and protect the noble character of this House which lives from its electoral strength to serve the true needs of our people. Give us, then, this day, to work with confidence while keeping Your thoughts in mind. We pray this in Your name. Amen.

Representative Bernard Benn, member from Hanover, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Donovan, Patrick Garrity, McConkey, Mirski, Newton, Pierce, Porter, Scontsas and Soltani, the day, illness.

Reps. Ahlgren, Byrnes, Coughlin, Domingo, Jane Johnson, Levasseur, McKinney, Michael Reed, Rhodes, Serlin, Stroud, Sytek and Taylor, the day, important business.

Rep. Julie Brown, the day, illness in the family.

INTRODUCTION OF GUESTS

Hon. Joy Tilton, former member from Northfield, fiancée of Rep. Butynski. Marc Sawyer, guest of Rep. Okerman. Jennifer Day, daughter of Rep. Day.

Casey Degen, a student from the Wilton-Lyndeborough Cooperative High School, Page for the day.

COMMUNICATION

January 6, 2011

Karen Wadsworth
Clerk of the NH House of Representatives
State House
Concord, N. H. 03301

Dear Karen:
The following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Hillsborough County Dist. 12, Norma Greer Champagne, r, Manchester (233 Tarrytown Road) 03103

Merrimack County Dist. 8, Carol M. McGuire, r, Epsom (700 Suncook Valley Highway) 03234

Merrimack County Dist. 8, Dan McGuire, r, Epsom (700 Suncook Valley Highway) 03234

Merrimack County Dist. 11, Lynne F. Blankenbeker, r, Concord (26 Mulberry Street) 03301

Sincerely,
Karen Ladd, Assistant Secretary of State

COMMUNICATION

January 19, 2011

Karen Wadsworth
Clerk of the NH House of Representatives
State House
Concord, N. H. 03301

Dear Karen:

The following representative-elect was sworn into office by the Governor and Executive Council on this day:

Merrimack County Dist. 4, Christine C. Hamm, d, Hopkinton (14 South Road) 03229.

Sincerely,
Karen Ladd, Assistant Secretary of State

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of those affected by the tragedy in Tucson, Arizona, the passing of the Honorable John Gleason, former Representative of Derry and the 25th anniversary of the death of Christa McAuliffe, a Concord teacher and one of the crew members killed in the Space Shuttle Challenger disaster.

MOTION TO VACATE

Rep. Comerford moved that the House vacate the reference of **HB 43**, relative to the adoption of forms under the administrative procedures act, to the Committee on Legislative Administration. Adopted.

The Speaker referred **HB 43** to the Committee on Executive Departments and Administration.

MOTION TO SUSPEND HOUSE RULES

Rep. Bettencourt moved that the last sentence of House Rule 38(e) be suspended to allow a bill to be withdrawn.

Adopted.

MOTION TO WITHDRAW

Pursuant to House Rule 38(e), Reps. Drisko and Russell moved that **HB 547** be withdrawn.

Adopted.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

HB 88, relative to liquor enforcement and liquor licensing. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill was a result of a study committee during the summer of 2010. Originally liquor enforcement, licensing and education were to be transferred to the department of safety on July 1, 2011. The study committee recommended that no transfer take place. This bill accomplishes that recommendation. Vote 12-0.

HB 92, relative to expiration of licenses issued by the board of foresters. **OUGHT TO PASS.**

Rep. Calvin D. Pratt for Executive Departments and Administration: This act brings forester licenses in line with the provisions for licensing similar professions. This eliminates a concentration of license renewals from the new year to year round. Vote 12-0.

HB 119, relative to agency membership on the information technology council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John J. Sytek for Executive Departments and Administration: This bill permits agency heads who are members of the information technology council to appoint designees to the council. In this way, agencies can continue to be represented when these agency heads are unable to attend. The amendment addressed a grammatical issue. Vote 12-0.

Amendment (0025h)

Amend RSA 21-R:6, II(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Two heads of other departments, *or their designees*, appointed by the governor.

HB 32, relative to statutory references to the choice and duties of town auditors. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: In 2010, RSA 41:31 relative to town auditors was amended to update the financial audits to provide the independent assurance that

financial information is reliable. Sections RSA 41:31 – a, b, c and d were amended. Two citations of the original statute were found after the enactment of the 2010 law. This bill fixes those two citations by eliminating the citation in RSA 41:31-a and repealing RSA 669:16, VI-a. Vote 12-0.

HB 77, relative to amendments to warrant articles. **OUGHT TO PASS WITH AMENDMENT.** Rep. James E. Coffey for Municipal and County Government: It was the consensus of the entire committee that it is important for voters in towns operating under the SB 2 form of government to be able to vote on each article that contains the intent as originally proposed. To eliminate all the subject matter creates confusion and often discourages citizen's participation. Vote 12-0.

Amendment (0021h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Use of Official Ballot. Amend RSA 40:13, IV by inserting after subparagraph (b) the following new subparagraph:

(c) No warrant article shall be amended to eliminate the subject matter of the article. An amendment that changes the dollar amount of an appropriation in a warrant article shall not be deemed to violate this subparagraph.

2 Effective Date. This act shall take effect upon its passage.

HB 91, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill requires all state agencies with capital budget projects to report quarterly, in the same format, the status of their capital budget projects to the department of administrative services and bureau of public works. This bill updates RSA 17-J: 4 by replacing the commissioner of transportation with the department of administrative service, bureau of public works to reflect the moving of public works from New Hampshire DOT to administrative services that was done several years ago. Requiring quarterly reports in the same format will allow the General Court and the public to easily follow the progress of capital projects. Requiring a consistent format will also create transparency enabling timely oversight and allow us to be better stewards of the people's money. The amendment changes the 30 day timeline of projects to be provided by administrative services to 90 day, establishing a realistic timeline for the agency to comply with the statute. Vote 13-0.

Amendment (0008h)

Amend RSA 17-J:4 as inserted by section 1 of the bill by replacing it with the following:

17-J:4 Duties. The capital budget overview committee shall review the status of capital budget projects both during and between legislative sessions. Each state agency with capital budget projects shall ~~[submit to the committee a status report on the projects every 60 days]~~ *report to the department of administrative services, in the format the department of administrative services prescribes, for the quarters ending September 30, December 31, March 31, and June 30. The department of administrative services shall combine these reports and present the summarized report to the capital budget overview committee for review quarterly on the first of November, February, May, and August.* The ~~[commissioner of transportation]~~ *department of administrative services, bureau of public works* shall, within ~~[30]~~ *90* days of the approval of funding for any capital budget project, submit a timeline or schedule for such project to the capital budget overview committee for review.

REGULAR CALENDAR

HB 48, relative to incompatibility of town offices. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce L. Tatro for Municipal and County Government: The majority of the committee felt the allowing of moderators to also be trustees of the trust funds was a potential conflict of interest and the positions should be held by separate individuals. Vote 10-2.

On a division vote, 300 members having voted in the affirmative and 36 in the negative, the committee report was adopted.

HB 49-FN, relative to toll-free use of the New Hampshire turnpike system by vehicles with purple heart license plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: The committee has the utmost respect for the unselfish and heroic service to the nation by members of this group. However, it is felt that

instituting this privilege for this group would lead to similar requests by other worthy groups and result in the legislature having to choose on the relative worthiness of various groups. Vote 12-1.
 Rep. Bergevin spoke against and yielded to questions.
 Rep. Tilton spoke in favor and yielded to questions.
 Rep. Graham spoke in favor.
 Adopted.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 2, 2011 at 10:00 a.m.
 Adopted.

LATE SESSION

Third reading and final passage

HB 88, relative to liquor enforcement and liquor licensing.
HB 92, relative to expiration of licenses issued by the board of foresters.
HB 119, relative to agency membership on the information technology council.
HB 32, relative to statutory references to the choice and duties of town auditors.
HB 77, relative to amendments to warrant articles.
HB 91, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee.

UNANIMOUS CONSENT

Reps. Haefner and John O'Connor addressed the House.

MOTION TO PRINT REMARKS

Rep. Lynne Ober moved that the remarks made by Rep. Haefner be printed in the Permanent Journal.
 Adopted.

REMARKS

Rep. Haefner: Thank you, Mister Speaker. Mister Speaker, fellow members, I rise on behalf of the Committee on Environment and Agriculture with a solemn message. We have lost one of our own. The Honorable Peter Allen, 76, died on Nov. 15, 2010, near his home in the woods that he loved. Peter attended every study committee meeting over the summer and this past fall and then did not run for re-election and died shortly thereafter. He was born July 8, 1934, in Newton, Massachusetts. He graduated from Keene High School and got his bachelor's degree from the University of New Hampshire. Peter later got his master's degree and PhD from Duke University. Peter thought of himself as a forester. He often recounted the purchase of forestland that he made when he was in high school. He had a bit of money left from a summer job and used that to buy some land and he owned that until the day he died. He would often speak very favorably of that land and he put it into a permanent conservation easement. Not surprisingly, Peter chose a career as a forester. He worked as a research forest ecologist for the U.S. Forest Service. He was also an assistant professor at the University of New Hampshire; a State Research Forester for the state's Division of Forests and Lands; and an ecologist with the state's Water Supply and Pollution Control Division. He managed lots of woodland in Harrisville and Nelson as sustainable sources of timber. Peter devoted much of his life to public service as the Chairman of the Kearsarge Regional School Board; Town Moderator in Wilmot; and State Senator, District 7, from 1978 until 1980. He volunteered for numerous environmental and wildlife protection services and organizations. He was a member of the Keene Unitarian Universalist Church. He loved reading, writing, spending time with his grandchildren and being outdoors. He enjoyed playing and watching sports, sailing and camping with his family. Dr. Allen not only served in this House for fourteen years, he was also elected to the State Senate in 1978 where he served just one term. He was a strong advocate for campaign finance reform, standing with Grannie D for her run for U.S. Congress. As part of this campaign, Peter knocked on every single door in his district. His determination and stamina were a big commitment to him. Peter was a staunch environmentalist, and while serving

on the Environment and Agriculture Committee, he championed many causes to protect and defend our natural resources. Most of you who are returning members will remember Peter as a slim man, often with a green jacket, standing here at this podium on the floor of this House, stating that New Hampshire was the 8th richest state in the country, but 44th in taking care of its poor, and then would advocate for an income tax. Peter was consistent. For 30 years he supported a broad based tax. If you like the pumpkin as our state fruit, then you should know that Peter was the prime sponsor of that bill suggested by the 4th graders in his town. I will miss Peter and his sage advice to us. Thank you.

MOTION TO PRINT REMARKS

Rep. Sapareto moved that the remarks made by Rep. John O'Connor be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. John O'Connor: Mister Speaker, fellow Representatives and can I have the Derry delegation join me at the podium, please? I stand before you, saddened to report that Lance Corporal Michael E. Geary of Fox Company II, Battalion 9th Marines, paid the ultimate sacrifice while conducting combat operations in Helmand Province, Afghanistan on December 8, 2010. Michael Geary, the son of Nancy and Tim Geary, was born in Malden, Massachusetts on August 6, 1990. At the age of 9, Michael, his mother and his recently deceased grandmother, Louise Buiting, moved to Derry, New Hampshire where Michael eventually attended Pinkerton Academy. At the age of 14, Michael decided he wanted to be a Marine. He became active in a variety of sports, obtaining his black belt in karate and later participating in mixed martial arts competitions. At Pinkerton, Michael also played varsity football. For hobbies, he enjoyed target shooting, running, airsoft and paintball games as well as playing football with his friends. Michael longed to join the Marines throughout his high school career, even writing his senior essay on the topic of what it takes to become a Marine and the honor of being a Marine. Michael worked hard, both before and after school to build himself into optimum shape in preparation for his enlistment. Michael applied himself with equal diligence to his studies, graduating from Pinkerton Academy in June 2009. After graduating from Pinkerton, Michael fulfilled his life long dream to serve his country in the Marines. Upon completion of his Marine duty, he had plans to become a police officer, reflecting Michael's desire to protect and support others. Michael was a devoted son, a loving older brother and cousin, a fun loving friend and most of all, an exemplary Marine. Michael was a true leader. He never shied away from his exemplary role on the front lines. He would volunteer to take the point so those with family would not have to. His Staff Sergeant stated, "Michael pushed all of us to become better as individuals. I demanded a lot from him, not just what he did for himself, but also to lead the individuals who were not as strong as he was. If it was not for Michael's leadership, some of those guys would not be Marines today." In a closing tribute to Michael, his uncle, Angus Douglas stated, "In all of Michael's attributes, his empathy and love for others are the underpinnings of the life choices Michael made, choices which eventually led to the loss of his own life. Michael will be forever missed by those of us who had the blessing of knowing him for the short few years he lived on this earth." Michael, rest in peace.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of all those commemorated in the remarks made during unanimous consent.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills and receiving Senate messages.

Adopted.

The House recessed at 10:40 a.m.

RECESS

(Rep. Bates in the Chair)

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 645 and 646 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 645-FN-A-L, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2007 through 2010. (Hess, Merr 9; Chandler, Carr 1; Tamburello, Rock 3: Ways and Means)

HB 646-FN-A-L, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2006 through 2010. (Newton, Straf 1; DeLemus, Straf 1; D. McGuire, Merr 8; Forsythe, Dist 4: Ways and Means)

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Whitehead off the Committee on Constitutional Review and Statutory Recodification; on the Committee on Executive Departments and Administration.

Rep. Paul Brown off the Committee on Executive Departments and Administration; on the Committee on Constitutional Review and Statutory Recodification.

RECESS**(Speaker O'Brien in the Chair)****RESOLUTION**

Rep. Bettencourt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 647 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 647, relative to withholding of wages. (Daniels, Hills 6: Labor, Industrial and Rehabilitative Services)

RECESS**(Rep. Tucker in the Chair)****RESOLUTION**

Rep. Matt Quandt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk and pursuant to House Rule 35(c), House Resolution numbered 11 shall be by this resolution read a first and second time by the therein listed title. Adopted.

INTRODUCTION OF HOUSE RESOLUTION**First, second reading**

HR 11, affirming revenue estimates for fiscal years 2011, 2012, and 2013. (Bettencourt, Rock 4; Stepanek, Hills 6; Weyler, Rock 8)

SENATE MESSAGE**CONCURRENCE**

HB 77, relative to amendments to warrant articles.

RECESS**(Rep. Silva in the Chair)****ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bill numbered 77.

Rep. Cunningham, Sen. Bradley for the Committee

RECESS

PETITIONS

Petitioner Representative Lars Christiansen of Hudson, on behalf of the voters of the town of Hudson school district, seeks redress relative to a dispute with the State of New Hampshire. The Speaker referred the Petition to the Committee on Redress of Grievances.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 130, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education, removed by Rep. LaCasse.

HB 87, relative to disqualification of moderators, removed by Rep. Drisko.

HB 140-FN, establishing an exemption from the civil filing fee surcharge, removed by Rep. Horrigan.

HB 180, relative to criteria for registration as a lobbyist, removed by Rep. Watrous.

HCR 3, urging increased consideration and preservation of local authority in international trade and investment agreements, removed by Rep. Weed.

HCR 4, urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants, removed by Rep. Manuse.

HR 6, condemning the taking of a private business by a foreign government, removed by Rep. Gagnon.

Consent Calendar adopted.

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes. **OUGHT TO PASS.**

Rep. Franklin F. Gould for Children and Family Law: This bill establishes a study committee to review the statutes relative to juvenile delinquency and children in need of services (CHINS). These statutes were established at the same time in the late 1970's. Their effectiveness has not been reviewed since, and with the potential to streamline services and develop best practices, a study at this time makes sense. Vote 16-0.

HB 182, relative to the definition of a child in need of services. **INEXPEDIENT TO LEGISLATE.** Rep. Jeffrey D. Oligny for Children and Family Law: This bill proposed a change to facilitate the earlier intervention for children considered for children in need of services (CHINS). The sponsor agreed that the subject matter would be best addressed if this bill was merged with HB 168. Vote 16-0.

HB 95, permitting an insurer to operate a health maintenance organization as a line of business. **OUGHT TO PASS.**

Rep. Donald H. Flanders for Commerce and Consumer Affairs: This bill permits an insurance company licensed in this state to operate a health maintenance organization, either directly or through a subsidiary or affiliate, as a line of business under their license. Vote 14-0.

HB 129, relative to the licensure of attorneys as real estate brokers by the real estate commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Sean M. McGuinness for Commerce and Consumer Affairs: This bill proposes that any attorney at law in good standing in this state shall qualify for real estate broker licensure without being required to comply with the educational requirements, the apprenticeship requirements or the examination requirement prescribed by RSA 331-A. The testimony in favor of this bill does not persuade the committee that attorneys, by virtue of their general law degrees, should be exempted. Further, the licensing statute already provides attorneys with a qualified exemption in connection with the performance of their duties as an attorney and the administrative rules allow for equivalent experience to be substituted for educational requirements. The committee finds that attorneys who choose to practice licensed real estate brokerage should remain subject to the statute. No special class or profession ought to be exempted from compliance when engaged in the general practice of real estate brokerage in this state based upon a presumption of competency. Vote 14-0.

HB 142-FN, relative to sales of artificial flowers and miniature flags. **OUGHT TO PASS.**

Rep. David J. Palfrey for Commerce and Consumer Affairs: This bill repeals the prohibition on the sale of miniature flags by street vendors. Under current law, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, United Spanish War Veterans and other recog-

nized patriotic, fraternal, labor or military organizations chartered in this state are exempt from the prohibition as well as bona fide merchants in their stores or other business establishments. This bill will repeal the statute altogether. Vote 14-0.

HB 143, relative to the sale of stove polish. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David J. Palfrey for Commerce and Consumer Affairs: This bill repeals the sale of inflammable stove polish intended for domestic use. This was an early consumer protection statute established in 1921. It may have stemmed from a NH supreme court decision in 1909 that involved a claim that stove blacking had been represented as safe for use on a warm stove. The product at that time contained naphtha, a highly explosive substance. This product is no longer being manufactured or sold. Vote 14-0.

Amendment (0139h)

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. The following are repealed:

I. RSA 158:20, relative to the sale of stove polish.

II. RSA 158:21, relative to the sale of certain inflammable polishes.

III. RSA 158:22, relative to penalties for the sale of certain polishes.

2 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill repeals the prohibition on the sale of stove polish and related compounds used as polishes.

HB 79, relative to certification of dogs for law enforcement work. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Warden for Criminal Justice and Public Safety: This bill simply adds the New England state police administrators compact to the recognized organizations that can certify dog training courses. Vote 11-0.

Amendment (0019h)

Amend RSA 508:18-a, I as inserted by section 1 of the bill by replacing it with the following:

I. The officer and the dog have completed training together and received certification from a nationally recognized organization required for police work or other law enforcement work *or from the New England State Police Administrators Compact*;

HB 67, expanding the duties of the school administrative unit oversight committee. **OUGHT TO PASS.**

Rep. Laura M. Jones for Education: This bill adds cooperative school districts to the list of what the school administrative unit legislative oversight committee already oversees. This will save time and money since an additional committee will not be needed. Vote 16-0.

HB 69, relative to the White Mountains community college academic center in Woodsville. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education: The community college system of New Hampshire has seven colleges as well as four academic centers that provide post secondary learning opportunities to New Hampshire residents. In addition to its oversight authority of its colleges, divisions and departments, this bill clarifies community college board of trustees administrative oversight of the regional academic centers and renders the board of trustees the final decision on the closure of any community college or regional academic center. Vote 16-0.

Amendment (0030h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the community college system of New Hampshire academic centers.

Amend RSA 188-F:1 as inserted by section 1 of the bill by replacing it with the following:

188-F:1 Community College System of New Hampshire Established. The community college system of New Hampshire is hereby established and made a body politic and corporate, the main purpose of which shall be to provide a well-coordinated system of public community college education offering, as a primary mission, technical programs to prepare students for technical careers as well as general, professional, and transfer programs, and certificate and short term training programs

which serve the needs of the state and the nation. The colleges of the community college system of New Hampshire are authorized to grant and confer in the name of the colleges all such degrees, literary titles, honors, and distinctions as other community colleges may of right do. The community college system of New Hampshire shall include, but is not limited to, colleges in Berlin, Claremont, Concord, Laconia, Manchester, Nashua, and Portsmouth. ***The community college system may also include regional academic centers that make quality educational opportunities accessible to New Hampshire residents.***

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar. **OUGHT TO PASS.**

Rep. Jeffrey L. St. Cyr for Education: This bill allows local school districts to set their own annual school calendar without the approval of the commissioner of education as long as the calendar is set for 180 days or the equivalent number of hours as determined in the department of education rules. This bill will allow local school districts flexibility in setting the calendar to meet the needs of the district such as setting the school calendar around a construction/renovation project. Local school districts still need to follow all rules of the department of education and state law when setting the annual school calendar. Vote 16-0.

CACR 1, relating to the election of state and county officers. Providing that state and county officers shall be elected in odd-numbered years. **INEXPEDIENT TO LEGISLATE.**

Rep. David Bates for Election Law: This CACR proposes amending the state's constitution to hold elections for state and county officers in odd-numbered years. The secretary of state is opposed to this legislation. The deputy secretary of state testified that if this change to the constitution were ratified, it would double the elections budget for the secretary of state's office and would put the state in constant campaign mode. The committee did not find a compelling enough reason to justify the additional cost the state would incur by adopting this amendment. Vote 18-0.

CACR 3, relating to initiative petitions. Providing that referenda to enact laws may be initiated by petition. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for Election Law: The committee was unanimous in its recommendations of Inexpedient to Legislate. The record shows that multiple examples of ballot petitions becoming law in other states have yielded many unintended consequences after passage. Vote 18-0.

HB 42, relative to the appropriate officials with whom to file for a primary. **OUGHT TO PASS.**

Rep. Regina M. Birdsell for Election Law: This bill will allow candidates for the office of state representative and delegates to party conventions to file for office with the secretary of state or their town clerk. This would make it more convenient for state representatives who are currently serving during the filing time frame. There is no cost to this bill and there is no opposition from the secretary of state and town clerks. Vote 18-0.

HB 73, establishing a process for recall of United States Senators from New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. David M. Pierce for Election Law: This bill, which would establish a process to recall our US Senators, is unconstitutional and would divert the legislature's attention away from the needs of our constituents. First, Art I, Sec. 3, Cl. 1 of the US Constitution provides without exception that each senator serves for six years. Justice Clarence Thomas wrote in a 1995 court opinion that because the US Constitution specifies the length of the terms of members of congress, the constitution denies the states any power to recall any member of congress. Too, the transcripts of the debates in 1787 and 1788 of the constitutional convention and the state ratifying conventions show clearly that the framers considered but rejected any authority for the states to recall members of congress. After considering this evidence, the bill's chief sponsor conceded that this bill is unconstitutional. Second, because this bill would allow any member of the legislature to file a recall petition, the committee thought it not unreasonable to believe that this bill would invite recall petitions in every legislative session. This would inevitably create a politically-charged circus atmosphere and divert attention away from the job the voters hired us to do. Vote 18-0.

HB 104, relative to the date for the state primary election. **INEXPEDIENT TO LEGISLATE.**

Rep. Shaun S. Doherty for Election Law: The committee decided this bill is unnecessary at this time. The next time an election cycle will fall in a year when a short time period between the

primary and general would occur is 2022. We feel it would be better to address the potential issue closer to that election and be able to look at it knowing the voting technologies that would be used in 2022. Vote 18-0.

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. **OUGHT TO PASS.** Rep. Suzanne J. Smith for Environment and Agriculture: With the passage of HB 30, New Hampshire will join 33 other states in accepting the PAVE (Program for the Assessment of Veterinary Education Equivalence) examination in the licensure of veterinarians who have graduated from veterinary schools not accredited by American Veterinary Medical Associates (AVMA). The cost of this exam is drastically less than the cost of the only currently accepted examination given by the Educational Commission on Foreign Veterinary Graduates (ECFVG). This, hopefully, will assist the state in attracting qualified veterinarians of both large and small animals. Vote 17-0. Referred to the Committee on Executive Departments and Administration.

HB 93, relative to medical documentation for a crossbow permit for a person with a disability. **OUGHT TO PASS.**

Rep. Betsy McKinney for Fish and Game and Marine Resources: This bill was a request of the fish and game department to allow nurse practitioners to sign paperwork for disability permits for Disabled Crossbow Permit Applications. Currently, only doctors may fill out the paperwork. The committee felt this was helpful to the applicants. Vote 13-0.

HB 195, relative to special permits for transportation of deer. **OUGHT TO PASS.**

Rep. Lyle E. Bulis for Fish and Game and Marine Resources: This bill reduces the burdensome requirements of multiple deer tagging currently required of minors, property owners, and other special license holders whose licensing document does not bear tags. The requirement is reduced from three to two. This bill is at the request of the fish and game department. Vote 15-0.

HB 111, relative to redispensing unused drugs. **OUGHT TO PASS.**

Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs: This bill adds "including manufacturer's samples" to Pharmacy Rule 318:58 which allows the redistribution of unused prescription drugs, (including manufacturers samples), that have not reached their expiration date, are contained in an unopened unit dose or other tamper-evident packaging and show no evidence of contamination. This will make it possible to also include manufacturer's samples as possible donated prescription drugs. Vote 17-0.

HB 51, relative to screening panel members for screening panels for medical injury claims. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill amends RSA Chapter 519-B, which requires and establishes the procedures to be followed by three-member panels to screen and make recommendations concerning suits alleging medical injury claims. It would clarify the existing undefined requirement that panel members be impartial by making them subject to the same qualifications for impartiality required of jurors, as set out in RSA 500-A:12. The committee unanimously agreed that such a requirement would assist litigants and prospective panel members alike by adding certainty to the process of self-evaluation, and thereby help ensure the fairness of the screening process. Vote 17-0.

HB 118, relative to reporting a person as medically unfit to drive. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would amend the motor vehicle code by providing immunity from civil liability to any person who, "reasonably and in good faith" believing a person cannot safely operate a motor vehicle, reports such to the department of motor vehicles. The committee was not convinced by the testimony and written evidence that there is a significant problem of under-reporting of impaired drivers, or that there is significant risk of civil liability under present law, or that the proposed bill would act as an effective deterrent to litigious-minded persons. Vote 16-0.

HB 161, establishing standards for adequate service of process and establishing a commission to study service of process by laypersons. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: This bill proposed a significant change to the service of process procedures in New Hampshire and also proposed a commission to study service of process by laypersons. The current service of process laws are simple and easily readable, with the majority of service being performed by county sheriffs. The proposal would significantly modify current service of process procedures and includes lengthy restrictions as to who may effectuate service and how

service may be effectuated. The committee voted that the bill was inexpedient to legislate because, among other things: (1) there are no reported problems with the current service of process procedures, (2) the proposed law would make it more difficult to effectuate service, therefore increasing litigation and costs, (3) it is safer to have uniformed sheriffs effectuate service than unidentifiable civilians, and (4) no commission is needed to study a problem that does not exist. Vote 16-0.

HB 173, relative to service of process on commercial tenants. **OUGHT TO PASS.**

Rep. Peter L. Silva for Judiciary: This bill will allow a commercial landlord to serve notice of eviction or rent at the commercial property and by certified mail to the tenant. Presently, the landlord can only serve notice at the tenant's residence. This presents a problem when the property is in one location and the tenant is another. This bill assures notice is received. Vote 17-0.

HB 41, designating purple as the official state color. **INEXPEDIENT TO LEGISLATE.**

Rep. Jon F. Richardson for Legislative Administration: The color purple is one of a number of colored threads on the New Hampshire State Tartan including green 56, black 2, green 2, black 12, white 2, black 12, purple 2, black 2, purple 8, red 6, and purple 28. The description of the significance of the various colors is described on the state website as follows: "The colors in the set all have significance to the state. The purple represents the state's bird and flower, the purple finch and purple lilac; green represents the green of the forests; black represents our granite mountains; white represents the snow; and red represents all the state heroes." Because the colors are woven together to unify these many ideas, it was felt that it would be inappropriate to single out any individual color as being the most important. Vote 13-1.

HB 184, establishing a committee to study implementing day care services at the state house. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Duarte for Legislative Administration: The committee was unanimous in the opinion that the cost, regulatory and liability issues associated with establishing a fully operational day care facility at the State House were too great to be surmounted at this time. Vote 15-0.

HCR 5, urging that the United Kingdom return the Parthenon (Elgin) marbles to Greece. **INEXPEDIENT TO LEGISLATE.**

Rep. Cynthia L. Chase for Legislative Administration: The prime sponsor testified that it was now the opinion of those individuals who were supportive of this idea in the last legislative session that due to the disruptive state of affairs in Greece and the region generally at present that it would be preferable to defer this idea until a later time. The sponsor asked if the matter could be tabled. Since tabling would have no positive effect the more appropriate action was to recommend the resolution as inexpedient to legislate. Vote 12-2.

HB 38, relative to emergency use of public docks and piers. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: This bill would mandate conditions placed on public piers and docks managed and controlled by local municipal ordinances. The result would be state control of local practices. Vote 16-0.

HB 70, relative to changes to town charters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P. Belanger for Municipal and County Government: This bill brings into conformance with other municipalities those that were established by state statute vs. those by RSA 49 B. Vote 14-0.

Amendment (0046h)

Amend RSA 49-B:5-a, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Within 14 days of receipt of such report the secretary of state, the attorney general, and the commissioner of the department of revenue administration shall notify the municipal clerk and the chairman of the charter commission, if any, of its receipt. Within 30 days of the receipt of said report [by] the secretary of state, attorney general, and the commissioner of the department of revenue administration[-they] shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Approval and Review. Amend the introductory paragraph of RSA 49-B:5-a, I to read as follows:

I. The municipal clerk shall file a report, *which shall include the name and address of the clerk and the chairman of the charter commission, if any*, with the secretary of state, attorney general, and the commissioner of the department of revenue administration as follows:

HB 86, relative to filling a vacancy among county officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P. Belanger for Municipal and County Government: This bill allows a county delegation to defer filling of vacancies for short periods when longer term replacements are imminent by election. Vote 16-0.

Amendment (0093h)

Amend the bill by replacing section 1 with the following:

1 Vacancies; County Officers. Amend RSA 661:9 to read as follows:

I. If a vacancy *for a period of one year or longer* occurs in the office of county sheriff, county attorney, register of deeds, or county treasurer, the members of the county convention shall fill the vacancy for the unexpired term by majority vote. *If a vacancy for a period of less than a year occurs in any such office, the members of the county convention shall, by majority vote of the county convention, vote to either fill the vacancy or to leave the office vacant.*

HB 181, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: Currently there are cities, towns or school districts that have local charters that were created by the legislature. Every time one of those political subdivisions wants to revise, amend or replace their charter the governing body or voters have to come to the legislature for action which then has to be ratified at the local level. This amendment would set up a process for those political subdivisions that do not have a local amendment process to use the provisions in RSA 49-B so that local control is instituted. The amendment also provides that the existing charter shall remain in effect until the voters choose to revise, amend or replace it under the terms of RSA 49-B. The committee voted unanimously to have the general court get out of the business of determining local issues. Vote 16-0.

Amendment (0104h)

Amend the bill by replacing section 1 with the following:

1 City, Town, or School District Charter; Reversion to Voters. Notwithstanding any provision of law to the contrary, the charter of any city, town, or school district that was established by the general court and which does not have a local amendment process shall hereby revert to the control of the voters of the city, town, or school district and such charter shall be governed by the provisions of RSA 49-B. The existing charter shall remain in effect until the voters choose to revise, amend, or replace it under the terms of RSA 49-B.

AMENDED ANALYSIS

This bill provides that the charter of any city, town, or school district that was established by the general court and which does not have a local amendment process, shall revert to the control of the voters of the city, town, or school district and such charter shall be governed by the provisions of RSA 49-B.

SB 11-L, relative to the police commission in the town of Hooksett. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: In 1977, the voters of Hooksett approved the action taken by the General Court to create the Hooksett police commission. However, no provision to rescind the police commission was included in the legislation. SB 11 authorizes the town to have an article on the warrant that will allow the voters to have their say on this issue – whether to rescind or not. The nine members of the Hooksett council, the Hooksett police chief, the Hooksett police commission along with the four Hooksett representatives and twenty-four senators are all in agreement with the passage of SB 11. Vote 13-0.

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for Resources, Recreation and Development: This bill authorizes the reacquisition of five dams on the Connecticut Lakes Headwaters Tract for \$1. These dams were built

by New Hampshire fish and game on leased land some 40 years ago. The leases have expired and ownership has technically reverted to the lessor. These dams were built with state funds. These dams have been operated and maintained by the State of New Hampshire since their construction. It would be a dereliction of the public trust not to conserve and preserve the state's interest in valuable assets. It should be noted that this bill specifically states that, except for the above mentioned \$1, it does not mandate or authorize any capital or other expenditures. The water bodies impounded by these dams are important recreational assets to the state. They provide important recreational opportunities and fish and wildlife habitat in the North Country. They are some of the best remote trout ponds in the state. One pond is a very unique fishery in that it is one of the few in the state where trout can overwinter. Sport fishing and the tourism it generates is one of the leading economic engines in the area where these lakes are located. Vote 16-1.

Amendment (0047h)

Amend the introductory paragraph of RSA 482:48, VII as inserted by section 1 of the bill by replacing it with the following:

VII. For, a consideration of \$1, the fish and game department is authorized to accept conveyance from the property owners of all water and property rights necessary to repair, maintain, and operate the following described properties for the purpose of improving and controlling the water rights for the benefit of the state. The property rights the fish and game department is authorized to acquire for the benefit of the state shall be exempt from taxation as long as the properties are held by the state. The fish and game department may transfer rights in these properties under RSA 482:51 to the department for purposes of repair and maintenance. With the exception of such \$1 consideration, nothing in this paragraph shall mandate or authorize the expenditure of any funds or capital relative to the provisions of this paragraph.

HB 45, relative to the Connecticut Lakes headwater citizens committee. **OUGHT TO PASS.**

Rep. Thomas J. Howard for Resources, Recreation and Development: The committee unanimously agreed adding a lease holder to the Connecticut Lakes headwater citizens committee would add another valuable voice with interests and experiences that would help the committee in its management of the property. Vote 16-0.

HB 55, adding a member to the exotic aquatic weeds and species committee. **OUGHT TO PASS.**

Rep. David H. Russell for Resources, Recreation and Development: This bill simply adds a representative of the New Hampshire Lakes Association to the exotic aquatic weeds and species committee. The lakes association should be working hand in hand with this committee. The committee is advisory to the New Hampshire department of environmental services (DES) in controlling and eradication of milfoil. The lakes association is also responsible for the lake host program. Vote 16-0.

HB 63, extending the instream pilot program for one year. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill is simply another year extension to the instream flow pilot program. Field work began in 2005 and has continued. The analysis needs data from three flow magnitudes for each bio-period in the streams and has proven to be a major task as they are weather controlled. The bill also extends the implementation date preventing the commissioner of New Hampshire department of environmental services (DES) from initiating or adopting rules prior to program completion. Vote 17-0.

Amendment (0038h)

Amend the bill by replacing section 3 with the following:

3 Instream Flow Pilot Program; Extension. Amend 2000, 242:5, as amended by 2001, 138:6, as amended by 2002, 278:6, as amended by 2003, 319:50, as amended by 2009, 201:21 to read as follows:

242:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 15, [2012] **2013**.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Instream Flow Pilot Program; Reporting Date Extended. Amend 2002, 278:2, III as amended by 2003, 319:48 as amended by 2008, 5:2 as amended by 2009, 201:19 to read as follows:

III. The commissioner of the department of environmental services shall initiate and adopt rules pursuant to RSA 541-A for other rivers designated under RSA 483:15 only after the adoption and implementation of the rules relative to protected instream flows pursuant to RSA 483:9-c for the Lamprey and Souhegan rivers and completion of the hearings and reports required under section 3, III(b) and (c) of this act, but not before December 1, ~~2012~~ 2013.

HB 74, relative to the ticketing and season passes at Cannon Mountain. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for Resources, Recreation and Development: This bill makes changes to the requirements for reduced rate season passes at Cannon Mountain aerial tramway and ski area. It simplifies the process and reduces the confusion among products and hence improves customer service. The bill eliminates the need for secondary school enrollment proof (with home schooling being so prevalent) while still requiring proof of age. The bill changes the age brackets of under-age skiers to align the season pass and day ticket age brackets which are currently different. From a service perspective, it makes little sense to have different age brackets and different burdens of proof depending on which product a guest is looking to purchase. The Cannon Mountain Ski Area management does not expect any change in revenue. Vote 15-0.

Amendment (0058h)

Amend the bill by replacing all after the enacting clause with the following:

1 Resident Ski Rates; Reduced Rates. RSA 227:14 is repealed and reenacted to read as follows:

227:14 Reduced Rates. All season passes, including those for different age groups or military service, established by the department for the specific use of the winter facilities at Cannon Mountain aerial tramway and ski area shall be made available to any resident of this state at a 25 percent discount. For the purposes of this section, "resident of this state" means a person whose domicile is in this state. To qualify for the discount, a resident shall provide proof of residency and purchase the pass prior to December 15 of the year in which the pass becomes effective. Proof of residency shall include a state issued driver's license; a state issued I.D. card with a photograph or information including name, sex, date of birth, height, weight and color of eyes; a United States passport; an affidavit certifying residency from the municipal clerk of the purchasers' town or city of residence; or, for a person less than 18 years of age, proof of a parent's or guardian's residency provided by the resident parent or guardian. The commissioner of the department of resources and economic development shall make quarterly reports on season passes issued under this section to the fiscal committee of the general court, the senate president, the speaker of the house of representatives, and the governor and council.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes changes to the requirements for reduced rate season passes at Cannon Mountain aerial tramway and ski area.

HB 131, relative to indemnification of volunteers performing duties in the state park system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter S. Bolster for Resources, Recreation and Development: Presently, volunteers who supply much of the maintenance and up-keep of the state parks, forest reservation, trails or historic sites of the state are not adequately protected from law suits per opinion of the attorney general. This bill remedies this deficiency. The bill does not however indemnify against a criminal act. In addition the bill also extends the life of the State Park Advisory Council to 2016. Vote 13-0.

Amendment (0150h)

Amend the bill by replacing section I with the following:

1 Indemnification of Park Volunteers. Amend RSA 216-A:3-h to read as follows:

216-A:3-h Indemnification of Park Volunteers. Any ~~[person]~~ *individual, corporation, nonprofit legal entity, or individual who performs services for a nonprofit entity who is* recognized by the ~~[director, division of parks and recreation,]~~ *commissioner of the department of resources and economic development* as a ~~[park]~~ *[park]* volunteer *and* who is under the *general* supervision of ~~[a park manager]~~ *authorized department of resources and economic development personnel*, and is actually performing assigned volunteer duties or activities at a state park, *forest, reservation, trail, or*

historic site, shall be considered a state employee for the purpose of defense and indemnification from civil suits under RSA 99-D; provided, however, such a volunteer shall not be indemnified from any civil suit arising out of a criminal act.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

Referred to the Committee on Judiciary.

HB 183, renaming Mount Clay in honor of Wonalancet. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas J. Howard for Resources, Recreation and Development: The committee heard testimony from the prime sponsor indicating the bill was a "mistake" and would we please ITL. Apparently Mount Clay has already been renamed Mount Reagan through HB 82, Chapter 139 in 2003 session. Vote 12-0.

HB 76, authorizing the division of emergency services and communications to levy administrative fines on carriers that repeatedly overwrite the enhanced 911 database. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Holden for Science, Technology and Energy: The committee desires to have the most accurate E-911 database possible but believes that this can best be accomplished by all parties working together in the E-911 Commission. It is not clear that a system of fines would lead to the best possible result. The process of updating the database could use some refinement and that should be done by the E-911 Commission. Vote 16-0.

HB 410, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee. **OUGHT TO PASS.**

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: This bill very simply extends the committee formed to review the 911 dispatch times formed last session by SB 428, Chapter 350. The purpose of this extension is to enable the collection and reporting of all pertinent data and to make appropriate recommendations based on the data. Vote 13-0.

HB 56, relative to proper observance of September 11, 2001. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H. McCarthy for State-Federal Relations and Veterans Affairs: It is the intent of this bill to ensure proper observance of September 11, 2001. Federal statute declares September 11 as "Patriot Day." This bill requires that the governor shall annually issue a proclamation calling for a proper observance of September 11 in honor and remembrance of those who lost their lives on that day. The proclamation shall include but not be limited to the requirements of section 144 of public law 107-89. Vote 13-0.

Amendment (0029h)

Amend RSA 4:13-p as inserted by section 1 of the bill by replacing it with the following:

4:13-p Proper Observance of September 11, 2001. The governor shall annually issue a proclamation calling for a proper observance of September 11 in honor and remembrance of the people who lost their lives on September 11, 2001. The proclamation issued by the governor shall call on the people of New Hampshire to observe the day with appropriate ceremonies, including, but not limited to, the requirements of section 144 of Public Law 107-89.

HB 28, establishing a committee to study driver's license suspensions. **INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl for Transportation: While the purpose of the bill is to form a study committee to study driver's license suspension, all of the testimony was not about studying license suspension, but about the single issue of the inclusion of license suspension as a major offense towards habitual offender status. The committee feels that a study committee is not warranted and that a bill drafted to address the issue expressed during the testimony would have been a more appropriate measure. Vote 11-0.

HB 78, relative to motor vehicle permit fee credits. **INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl for Transportation: This bill would have required the department of safety to reprint all of the applications for registration blanks to include the required language. Tens of thousands of vehicles are registered each year necessitating a considerable cost to the state for reprinting

the forms and/or for the rewriting of the computer software used to print registrations. The required information is already made available by the town clerks when a registration is transferred. In addition, the bill did not contain a fiscal note. Therefore the committee feels that the bill, although well intentioned, is not practicable and overly expensive. Vote 11-0.

HB 97, relative to operation of low-speed utility vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Williams for Transportation: This bill would modify the operation restriction of only driving 25 or under miles from the owner's residence or place of business. The low speed vehicle plate, the agricultural plate and the farm plate all have similar restrictions. The restrictions limit the use of the vehicles to farm and industrial use. This bill would violate the integrity and the reason for these low cost special plates. Vote 11-0.

HB 98, relative to low-speed utility vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Williams for Transportation: This bill would allow low speed utility vehicles with farm tractor plates to be used for personal use. This is totally contrary to what such vehicles should be used for. Low speed utility plates were approved solely for the purpose of meeting the needs of some farmers and certain businesses. Vehicles with agricultural plates (RSA 261:82) and farm plates (RSA 261:84) are prohibited from and not allowed to be used for personal use. To allow a low speed utility vehicle to be driven for personal use would be in conflict with the limitations placed on vehicles with farm plates or agriculture plates. Vote 10-1.

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water. **OUGHT TO PASS.**

Rep. John A. Hikel for Transportation: This bill reduces regulations, speeds the process, and reduces the burden on taxpayers. It eliminates cumbersome rule making authority under RSA 541-A. Vote 11-0.

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions. **OUGHT TO PASS.**

Rep. Robert W. Williams for Transportation: This bill is pro-business, pro-environment and there is no fiscal note attached. This legislation mirrors current federal regulation. NH is under no obligation or mandate to enact this legislation. This bill will allow cost conscious, environmentally friendly truckers to regain the 400 lbs. of gross weight they lose when they utilize this technology. NH DOS, DOT and DES are all in favor of this bill. This bill will reward the independent trucker as well as the largest trucking firms for utilizing technology that they voluntarily purchased and installed on their vehicles to increase fuel economy and decrease emissions. This technology powers cab comfort devices when truckers are in our truck stops and/or neighborhoods adhering to their safety and rest requirements. Vote 11-0.

HB 148, relative to federal funding for motorcycle-only roadside checkpoints. **OUGHT TO PASS.**

Rep. John E. Tholl for Transportation: This bill provides that no entity in the state of New Hampshire shall accept federal funding solely for the purpose of setting up motorcycle only roadside checkpoints. This would be a clear example of discrimination against one group of citizens just because of what type of vehicle they use for their means of transportation. Vote 13-0.

HB 192, relative to commercial motor vehicle registration. **OUGHT TO PASS.**

Rep. Richard W. Hinch for Transportation: This bill expands the authority of the division of motor vehicles to refuse or revoke the registration of a commercial motor vehicle. This bill was requested by the department of safety to keep us in compliance with federal motor carrier safety administration prohibitions. The director will therefore be authorized to suspend, revoke or refuse to renew the registration or permit of a commercial motor vehicle if the commercial carrier has been prohibited from operating by the federal motor carrier safety administration. Vote 12-1.

REGULAR CALENDAR

HB 101-FN-A, relative to industrial hemp and establishing an industrial hemp special program fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Palmer for Environment and Agriculture: The federal government currently mandates that hemp not be grown in the United States. Therefore New Hampshire farmers are prohibited from growing hemp. There is now no law in New Hampshire prohibiting the growing of hemp. Therefore, if the federal government removes its mandate, New Hampshire farmers are free to grow hemp.

Additionally, the bill creates a bureaucracy to oversee the seed sales, growth and sale of hemp, cost unknown. Vote 11-7.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 304 NAYS 51

YEAS 304

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Bolster, Peter
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Comtois, Guy
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Tobin, William

CARROLL

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Butynski, William
Dwinell, Richard
Johnson, Jane
Moore, Robert Jr
Weber, Lucy

Byrnes, John
Emerson, Susan
Lindsey, Steven
Sad, Tara

Cartwright, Anne
Hawkes, Samuel
Meader, David
Smith, Edwin

Chase, Cynthia
Hunt, John
Moore, Charles
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Harding, Laurie
Pastor, Beatriz
Sova, Charles

Bulis, Lyle
Ladd, Rick Jr
Shackett, Jeffrey

Cooney, Mary
Mirski, Paul
Simard, Paul

Gionet, Edmond
Nordgren, Sharon
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Buxton, Michael
Coffey, James
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gidge, Kenneth
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Porter, Marjorie
Reed, Michael

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Cebrowski, John
Condra, William
Day, Russell
Erickson, Duane
Gandia, Laura
Gimas, John
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Katsiantonis, Thomas
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Renzullo, Andrew

Barry, J. Gail
Bergevin, Jerry
Brunelle, Michael
Christensen, D.L. Chris
Cote, David
DeJong, Cameron
Flanagan, Jack
Gargas, Carolyn
Goley, Jeffrey
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Long, Patrick
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Proulx, Mark
Rhodes, Brian

Barry, Richard
Boehm, Ralph
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Garrity, Patrick
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Pilotte, Maurice
Ramsey, Peter
Robbins, David

Rokas, Theodoros
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Rosenwald, Cindy
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Scoutsas, Lisa
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian
Williams, Robert

Coffey, Jennifer
Gile, Mary
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Shurtleff, Stephen
Winter, Steven

Cohn, Seth
Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Gary
Smith, Molly

Cox, Sean
Hess, David
Kidder, David
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Lovejoy, Patricia
Manuse, Andrew
Nevins, Chris
Olny, Jeffrey
Quandt, Marshall
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence
Lundgren, David
Mauro, Donna
Norelli, Terie
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Schroadter, Adam
Smith, William
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Antosz, Jason
Bettencourt, David
Case, Frank
Copeland, Timothy
Elliott, Robert
Garritty, James
Headd, James
Katsakiores, Phyllis
MacMahon, Bruce
McMahon, Charles
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

Azarian, Gary
Birdsell, Regina
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Major, Norman
Murphy, Brian
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapienza, Marie
Sheffert, Kenneth
Tamburello, Daniel
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald
Grassie, Anne
Jones, Laura
Newton, Clifford
Pitre, Joseph
Vita, Lucien

Cataldo, Sam
Groen, Warren
Kaen, Naida
O'Connor, William
Roberts, Jenna
Wall, Janet

DeLemus, Susan
Horrigan, Timothy
Leonard, Frederick Jr
PANEK, William
Schmidt, Peter
Watters, David

Ginsburg, Philip
Jones, Kyle
Munck, Philip
Parsons, Robbie
Vita, Carol
Weeden, Michael

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Rodeschin, Beverly

Cunningham, Steven
Laware, Thomas
Smith, Steven

Gagnon, Raymond
Lovett, Charlene

Howard, Thomas
Osgood, Joe

NAYS 51 BELKNAP

CARROLL

None

Babson, David Jr

CHESHIRE

Carr, Daniel	Lerandeau, Alfred	Parkhurst, Henry	Tatro, Bruce
Weed, Charles			

COOS

Coulombe, Gary	Merrick, Evalyn	Theberge, Robert
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GRAFTON

Aguir, James	Almy, Susan	Gould, Franklin	Pierce, David
Smith, Suzanne	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Emerton, Larry	Messier, Irene	Soucy, Connie
Sullivan, Daniel			

MERRIMACK

Deloge, Helen	Foose, Robert	Frazer, June	Hamm, Christine
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Wallner, Mary Jane	Watrous, Rick	

ROCKINGHAM

Davenport, Joshua	DiPentima, Rich	McKinney, Betsy	Moody, Marcia
Powers, James	Read, Robin Jr	Sapareto, Frank	Serlin, Christopher
Sytek, John			

STRAFFORD

Browne, Brendon	Harty, Martin	Hofemann, Roland	Hooper, Dorothea
Keans, Sandra	Spainhower, Dale	Spang, Judith	

SULLIVAN

Cloutier, John	Lefebvre, Benjamin	Schmidt, Andrew
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and the committee report was adopted.
Rep. Connie Soucy voted Nay and intended to vote Yea.

HB 136-FN, repealing the uniform athlete agents act. **OUGHT TO PASS.**

Rep. Spec Bowers for Executive Departments and Administration: This bill repeals RSA 332-J, which establishes the requirement to register as an athlete agent. Only six people have registered as athlete agents in five years, none at all in the last two years. There have been zero enforcement actions. It is not needed because athletes, parents, and coaches are knowledgeable about the rules and are fully able to exercise individual responsibility. The statute is harmful in that it encourages reliance on the government to protect people from their own decisions. Vote 7-5.

Rep. Pilotte spoke against.

Rep. Bowers spoke in favor and yielded to questions.

Rep. Cohn requested a roll call; sufficiently seconded.

YEAS 264 NAYS 103

YEAS 264**BELKNAP**

Accornero, Harry	Comtois, Guy	Fields, Dennis	Greemore, Robert
Kingsbury, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Tobin, William	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merron, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John
Hawkes, Samuel
Moore, Robert Jr

Cartwright, Anne
Hunt, John
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Sterling, Franklin Jr

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Shackett, Jeffrey

Bulis, Lyle
Simard, Paul

Gionet, Edmond
Sorg, Gregory

Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Gagne, Larry
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gandia, Laura
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
Day, Russell
Emerton, Larry
Gidge, Kenneth
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Hess, David
Kidder, David
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

Cohn, Seth
Hill, Gregory
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Cox, Sean
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Major, Norman
MacMahon, Charles

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garriy, James
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Lundgren, David
Mauro, Donna
Nevins, Chris

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Devine, James
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John

Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

Oligny, Jeffrey
Quandt, Marshall
Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Packard, Sherman
Quandt, Matt
Ritter, Glenn
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph
Weeden, Michael

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Leonard, Frederick Jr
Pank, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie
Watters, David

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 103

BELKNAP

Bolster, Peter

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Carr, Daniel
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Meador, David
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David
White, Andrew

Almy, Susan
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

Gould, Franklin
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Flanagan, Jack
Gimas, John
Judy, Jean
Pilotte, Maurice
Rokas, Theodoros

Brunelle, Michael
Fredette, Robert
Goley, Jeffrey
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Gargas, Carolyn
Gorman, Mary
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Cote, David
Garrity, Patrick
Hawkins, Kenneth
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Watrous, Rick

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Read, Robin Jr

Case, Frank
Moody, Marcia
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Serlin, Christopher

Gould, Kenneth
Powers, James

STRAFFORD

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spang, Judith

Ginsburg, Philip
Hooper, Dorothea
Roberts, Jenna
Wall, Janet

Grassie, Anne
Horrigan, Timothy
Schmidt, Peter

Harty, Martin
Kaen, Naida
Spainhower, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the committee report was adopted.
Ordered to third reading.

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation. **OUGHT TO PASS.**

Rep. Carol M. McGuire for Executive Departments and Administration: The Joint Legislative Committee on Administrative Rules (JLCAR) found that the new rules of the Board of Mental Health Practice highlighted a conflict in their statute: RSA 330-A:28 defined their duty and powers to investigate practitioners, but their interpretation of these powers could violate the patient privacy and confidentiality required by RSA 330-A:32. Therefore, JLCAR proposed this resolution to stay the board from using these rules until the statutory conflict could be resolved. HB 554, relative to mental health records, will clarify the privacy constraints on the board's investigative powers. HJR 3 is necessary to protect patients' and practitioners' confidentiality until the statutes are revised. Vote 11-0. Committee report adopted and ordered to third reading.

HB 167, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie. **OUGHT TO PASS.**

Rep. Marc D. Tremblay for Fish and Game and Marine Resources: This bill would rename the Enfield wildlife management area in honor of deceased fish and game wildlife biologist Henry Laramie. Henry Laramie was a true visionary in regards to wildlife in this state in many different ways. His dedication and professionalism during his long career led to not only better management of wildlife species in New Hampshire, but several of his accomplishments have been used across North America. These accomplishments include the development of the beaver pipe, implementation of safe and effective tranquilizers used to sedate bear for research and initiatives to acquire, protect, and preserve hundreds of acres of land in New Hampshire. Henry was instrumental in successfully creating a moose management program. Henry's visionary ideas are being utilized worldwide. We are honored to recognize this truly special man. Vote 15-0.

Reps. Lefebvre and Mirski spoke in favor.

Committee report adopted and ordered to third reading.

MOTION TO PRINT REMARKS

Rep. Hopper moved that the remarks made by Reps. Lefebvre and Mirski be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Lefebvre: Thank you, Mister Speaker. Good morning. I am honored to rise before you today to ask you to support HB 167, the naming of the Enfield Wildlife Management Area in honor of deceased fish and game wildlife biologist, Henry Laramie. I not only rise before you today on behalf of the Fish and Game Committee, but also as a sportsman, fisherman and hiker who spends hours upon hours every year enjoying the exact forest, ponds and streams that Mr. Laramie worked so hard to preserve for all of our enjoyment. If you could all bear with me for a few more minutes, I am going to read a letter on behalf of Eric Orff, Merrimack County Fish and Game Commissioner and retired fish and game biologist who knew Mr. Laramie well.

I came to know Henry early in my thirty-one year career at the Department. I learned that Henry was a true visionary in regards to the wildlife of this state in many different ways. His dedication and professionalism during his long career led to not only better management of wildlife species in New Hampshire but several of his accomplishments have been used across North America to better manage species. One of Henry's earlier successes was developing the beaver pipe. You see beaver were essentially gone from this state by the early 1800's with less than 10 beaver believed to be in NH on the Canadian border when they were finally protected in 1901. Beaver did not return over the next half century to the state. By the 1950's Henry was working on a device to allow beaver to build dams and the important wetlands they provided to lots of wildlife yet to reduce their ability to flood roads and crops. Typically beavers were killed to prevent them from flooding certain lands. Henry wanted to keep beaver in the active flowages, yet find a way to keep them from flooding too much land. Henry invented a three sided twenty foot long wooden pipe that could be cheaply made and inserted into a beaver dam to control the height of the water. Waterfowl and other wildlife thrived as well as the beaver and the water levels could be managed at appropriate levels. For over fifty years the Department has used beaver pipes to balance wildlife and human need of our state. In fact "beaver pipes" in one form or another are used across North America today. Henry next brought his insight into black bear management. Similar to beaver bears were nearly extirpated from this state. There had been a bounty on bears that lasted well over a century until it was removed by legislation in 1956. Bears still could be killed year round until 1965 and there was no limit on how many bears one could kill until 1970. Henry saw bears as a valuable game species. Beginning in the 1960's he started working with Concord veterinarian James Paine to find a way to safely tranquilize bear. Doctor Paine would accompany Henry to a captured bear and would try different tranquilizers to anesthetize the bear. Over a period of time they discovered a drug that would put the bear to sleep and was safe to use. Soon Henry was trapping and moving troublesome bear rather than killing them. Soon Henry's discovery of a safe and effective tranquilizer was adopted by the Maine folks. In fact within a few years bear research and management would be changed not only across this country but around the world as this drug was adopted for use in sedating bears for research from South America to panda bears in China. Henry's vision of finding a safe and effective bear tranquilizer lead to modern bear management around the globe.

In the late 1970's and early to mid 1980's the department was affected by a declining economy and a number of vacated positions were not filled, including the Department's land agent. Henry took it upon himself to help acquire significant wildlife habitat during this time. Because of fewer positions with the Department there was an excess in federal funding. The federal funds normally allocated to NH as part of the Pitman-Robertson federal tax on guns and ammunition could not be spent and would have reverted back to the federal government. Henry took it upon himself to negotiate significant land purchases using these federal funds while talking the land owners into donating the twenty-five percent value of the land which would normally be the required state funding portion. Henry was the prime mover during these lean times to protect and preserve hundreds of acres across NH.

Lastly, let me tell you a little how Henry's vision led the department into our successful moose management. Henry had a camp in Pittsburg and developed a keen interest in this state's moose early on. By the early 1980's he began tracking moose sightings. At that time my desk set just outside his office in the old Bridge Street building. I remember Henry collaring conservation officers as they came to headquarters for various purposes and setting them down by his desk. He would pull out a stack of topographic maps and query each officer as to where they were seeing moose and whether they were bulls or cows and if cows how many calves did they see. Before long Henry had a picture of the distribution and abundance of moose across the North Country. His efforts led to the hiring of our moose biologist by 1985. Henry's vision led the Department into nearly three decades of successful moose management in NH.

I would ask that you name the Enfield Wildlife Management Area in his honor.
This was Henry's hometown though he lived most of his adult life in Pembroke.
Thank you for your consideration.

Eric Orff, Merrimack County Commissioner

Thank you, Mister Speaker.

REMARKS

Rep. Mirski: Thank you, Mister Speaker. I want to particularly express my appreciation to Rep. Chandler for filing this bill. I certainly wish I had thought of it and I want to thank him for inviting Rep. Townsend and Rep. Sova and Sen. Houde to also co-sponsor this. This particular area in the State of New Hampshire comes to about 2,022 acres on top of two mountains, Prospect Mountain and Shaker Mountain in Enfield. The area that we are talking about is visible throughout the district that we represent. Henry was a native of Enfield. If you go and mail a letter down at the post office, as you walk in, you will see a field just off to the left and up in that field is a red barn and some horses. That is called the Laramie farm. He grew up right in downtown. We have a farm right downtown and it was his homestead. Every day when he left the house, he would look out across that field, he would look out across the village and look out across the lake and there behind him was this long ridge, Shaker Mountain and Prospect Mountain. I don't imagine he would have ever imagined that so much of that mountain ultimately would be potentially named in his honor. He was a very modest and generous individual. I met him first about 1973/74. The community in Enfield wanted to preserve as much of that mountain as possible from development because it was an important environmental resource. We wanted to protect it for the watershed. It's a fantastically diverse area for game and so forth and when I made that proposal to the Town of Enfield, which it voted down in zoning 3 or 4 to 1 a bunch of times, it was Henry who stepped up and explained to the community how important the preservation of this area of town is. In the end, the town voted to create a conservation district of about 5,500 acres. Henry also touched another person in this room which is our Clerk, Karen Wadsworth. She was a representative at that time from the Town of Lebanon. She got a bill passed that helped to create this conservation district, so Henry has touched a lot of people. When you stand by a beaver flowage somewhere in the state, you can think of Henry Laramie. There is a little one right near my house that has one of his beaver pipes sticking out, out of the water. It just simply maintains the water level so the beavers are never able to increase the flowage over the highway right there. Until that sort of thing happened, we were out regularly trying to kill beavers whenever possible because of farm fields and roads and so forth. That was extremely significant. We know about Ben Kilham up in Lyme, one of the residents of New Hampshire that has become famous worldwide for his work with bears, but it was Henry who was the first guy in Lyme who really stabilized the bear population in New Hampshire. When you look at your moose plate and you see that moose on that plate, you can think of Henry Laramie every time you see it because it was Henry who developed a management plan for moose that has now made New Hampshire, in a way, famous in a way you wouldn't imagine. This is a great guy. He was self effacing, mild and he would never, ever have imagined himself being recognized this way. It is a terrific honor and in a way a reflection on the quality of many of our state employees that work quietly to do fantastic things. This is just a great opportunity to honor a very important and wonderful individual. Thank you.

REGULAR CALENDAR (CONT'D)

HB 71, authorizing establishment of pharmaceutical drug take-back programs. **OUGHT TO PASS.** Rep. Evalyn S. Merrick for Health, Human Services and Elderly Affairs: This bill allows New Hampshire communities and private entities to establish uncontrolled and controlled drug take-back programs for the purpose of destruction of these agents. The law allows this action in collaboration with the chief law enforcement of the community or governmental entity. There was great legislative and constituent support for this legislation. All should support this legislation as it has already proven its ability to remove thousands of unused medications from homes, and streets of New Hampshire. Vote 17-0.

Rep. Reagan moved Recommit and spoke in favor.
Adopted.

Recommitted to the Committee on Health, Human Services and Elderly Affairs.

HB 94, relative to public access to advisory committee meetings under the right-to-know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kathleen F. Souza for the Majority of Judiciary: This bill would create a new format for public advisory committee meetings. The majority of the committee felt that by changing to an electronic format, with no physical meeting site, some interested citizens would be excluded. Also, advisory boards provide ideas and suggestions that lead to policies that affect our citizens and the important face-to-face interaction among members of these boards and between the public and the boards outweigh any advantages of convenience to the members of the boards. Current right-to-know law already provides that an advisory committee may meet electronically in an emergency situation. The committee felt that current law is working for the citizens of this state and no change is needed at this time. Vote 16-1.

Rep. Gary W. Wheaton for the Minority of Judiciary: This bill allows meeting with non-policy or decision making authorities to have quorum meetings by electronic means. Meeting electronically is only another option and not mandatory. This bill simply allows another means for volunteers to become more engaged in civil activities. Currently in a rural state, the distance limits volunteer time and the number and diversity of people and talents available. There are numerous free and low cost electronic options to accomplish this goal contrary to the argument that "the technology is not here yet."

The question being adoption of the Majority committee report of Inexpedient to Legislate. Majority committee report adopted.

HB 190, relative to legislative study committees. **OUGHT TO PASS.**

Rep. Timothy P. Comerford for Legislative Administration: This legislation limits membership of study committees established by the General Court to members of the legislative unit. The bill also requires the chairman of any study committee to file the committee report electronically. The committee feels the bill creates efficiency where it is sorely needed. Vote 10-5.

Rep. Mirski moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Legislative Administration.

HB 85, relative to the definition of "abutter" for notice of land use board hearings. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin W. Sterling for Municipal and County Government: The purpose of this bill is to extend the definition of an "abutter" to all unit owners in a "condominium or other collective form of ownership" for the purpose of notification of a hearing by a land use board. The current statute (RSA 672:3) allows for the notification to be to the officers of the condominium association. The committee recognized the importance of notification but was also mindful of the potential cost to an applicant both in terms of the cost of certified mail and the time lost if there was an error in the process of notifying multiple owners in large condominium complexes. The need for condominium owners to be notified is important and the committee would suggest that the issue would be better addressed by strengthening the duties of condominium officers in RSA 356: b-40 IV. Vote 14-2. Committee report adopted.

HB 155, relative to permits to conduct raffles. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for the Majority of Municipal and County Government: This bill enables a local governing body to issue an organization a permit with a longer time limit thus reducing administration costs and allowing established groups to hold a series of events, each of which presently require a separate application. Vote 12-4.

Rep. Kris E. Roberts for the Minority of Municipal and County Government: It is extremely important that people participating in any raffle have confidence in the integrity of all raffles. Some clerks require all raffle permit holders to notify them who won a raffle after the drawing, which is noted in the permit request. If an organization could run as many raffles as they wish during a years time that raises a question. Does the permit cover all raffles held by that organization during that calendar year, or does it require 12 year-long raffle permits for monthly raffles? Under either scenario, the clerk would have no way of knowing whether a raffle was held or not. There would be no way of knowing if funds were collected or winnings paid out. A year long permit could result in a raffle in

January, and the clerk not knowing the status of that raffle until the following January. There would be no protecting the public interest. This would result in losing system integrity which could put the funding for numerous civil and social organizations that promote worthwhile public service at risk. The question being adoption of the majority committee report of Ought to Pass. Majority committee report adopted and ordered to third reading.

HB 198, relative to the investment options for county funds. **OUGHT TO PASS.**

Rep. Kathleen M. Stroud for Municipal and County Government: This bill allows county treasurers an additional option when investing surplus county funds for all New Hampshire counties. It clearly states that monies must be invested in pooled money market funds invested solely in us treasury bonds. Vote 14-2.

Committee report adopted and ordered to third reading.

HB 89, requiring the attorney general to file lawsuits challenging the Patient Protection and Affordable Care Act and the United States Environmental Protection Agency's cap and trade program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven L. Cunningham for the Majority of State-Federal Relations and Veterans Affairs: The committee determined that the patient protection and affordable care act would result in huge unfunded mandates for New Hampshire, a concern worthy of action by the attorney general. Testimony from the chairman of the finance committee assured us of the massive costs the patient protection and affordable care act would bring to the state. These expensive mandates appear to violate our state sovereignty. The committee has verified that there is no cost to join the lawsuit. Other states, such as Alaska, have budgeted \$5,000 for travel and miscellaneous associated expenses to allow a minimal presence in this lawsuit. A secondary concern for the committee was that the patient protection and affordable care act requires that New Hampshire citizens purchase a health care insurance policy against their will. The committee agrees that this is an onerous violation of individual rights that should be opposed. Vote 11-3.

Rep. Theodoros V. Rokas for the Minority of State-Federal Relations and Veterans Affairs: While the minority finds numerous reasons to deem HB 89 inexpedient to legislate, we will focus on the two most important – constitutionality and cost. As stated by the attorney general at the public hearing, HB 89 is a clear violation of the separation of powers doctrine (part 1, article 37) of the New Hampshire constitution. Part 1, article 37 states that the legislative, executive, and judicial branches of government “ought to be kept as separate from, and as independent of, each other, as the nature of free government will admit...” Ever since the adoption of part 1, article 37 in 1784, it has been the duty of the legislative branch to enact laws, and the duty of the executive branch to enforce them. The minority agrees with the attorney general that HB 89 violates that separation of power by having the legislative branch dictate to the executive branch which laws to challenge. Just as the attorney general has no constitutional authority to require the legislature to pass or defeat particular bills, the legislature has no constitutional authority to require the attorney general to mount legal challenges against particular laws. If the legislature can compel the attorney general to challenge particular laws, the traditional independence of the attorney general is compromised. This bill is also a perfect example of the wasteful government spending we all seek to eliminate. Passage of HB 89 would require the attorney general to spend his time, resources, and financial wherewithal joining a federal lawsuit that is going forward anyway. The legal and constitutional questions remain the same, and the eventual effect on New Hampshire will be the same whether we join the lawsuit or not. While some states may have extra money in their budgets to make the symbolic act of becoming the 26th or 27th state to join this federal lawsuit, we do not. As one of the least-taxed states in the country, New Hampshire can only afford to spend money on legal cases on which our inclusion has the potential to make a meaningful difference. Additionally, the potential cost to taxpayers for passing HB 89 is unknown. While there was discussion in committee as to the “estimated” cost of passing HB 89, there is no fiscal note attached to the bill. The true cost of HB 89 is unknown. At a time when we will likely see spending reductions in education, and to programs that benefit our neediest citizens, the last thing we should be spending money on is symbolic lawsuits with an unknown cost to the citizens of our state. The minority can think of no better way to show our commitment to responsible spending than to find HB 89 inexpedient to legislate.

Majority Amendment (0037h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.

Amend the bill by replacing all after the enacting clause with the following:

1 Lawsuit Challenging the Federal Patient Protection and Affordable Care Act. The attorney general shall, no later than July 1, 2011, move to join the state of New Hampshire as a plaintiff in the lawsuit pending in federal court captioned State of Florida et al. v. United States Department of Health and Human Services et al.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the attorney general to join the state of New Hampshire as a plaintiff in the lawsuit pending in federal court captioned State of Florida et al. v. United States Department of Health and Human Services et al.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Reps. Rokas and Rosenwald spoke against.

Rep. Blankenbeker spoke in favor and yielded to questions.

Rep. Frank McCarthy spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 267 NAYS 103**YEAS 267****BELKNAP**

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L. Chris
Cusson-Cail, Kathleen

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars
Daniels, Gary

DeJong, Cameron
 Flanagan, Jack
 Gimás, John
 Haefner, Robert
 Hikel, John
 Hopper, Gary
 Krasucki, Joseph
 Maltz, Jonathan
 Mecheski, Holly
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Reed, Michael
 Scountsas, Lisa
 Soucy, Connie
 Summers, James
 Twombly, Timothy
 Warden, Mark

Doherty, Shaun
 Fredette, Robert
 Gonzalez, Carlos
 Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 Kurk, Neal
 McCarthy, Michael
 Messier, Irene
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Swank, Matthew
 Ulery, Jordan
 Whitehead, Randall

Emerton, Larry
 Gagne, Larry
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Infantine, William
 Lambert, George
 McClarren, Donald
 Moran, Edward
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Robbins, David
 Silva, Peter
 Stepanek, Stephen
 Terrio, Ross
 Vaillancourt, Steve
 Willette, Robert

Erickson, Duane
 Gandia, Laura
 Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Jasper, Shawn
 LeBrun, Donald
 McGuinness, Sean
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Rowe, Robert
 Simmons, Tammy
 Stroud, Kathleen
 Thomas, Joseph
 Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Kotowski, Frank
 McDonnell, John
 Reed, Dennis
 Smith, Molly

Coffey, Jennifer
 Hill, Gregory
 Kreis, Kenneth Sr
 McGuire, Carol
 Richardson, Jon
 Smith, Todd

Cohn, Seth
 Hoell, J.R.
 Lauer-Rago, Kathleen
 McGuire, Dan
 Sanborn, Laurie
 Soltani, Tony

Cox, Sean
 Keane, Thomas
 Lindsley, Mark
 Palfrey, David
 Seaworth, G. Brian
 Winter, Steven

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Copeland, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Kappler, Lawrence
 MacMahon, Bruce
 McKinney, Betsy
 O'Connor, John
 Perkins, Amy
 Reagan, John
 Sanders, Elisabeth
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Waterhouse, Kevin
 Wheaton, Gary

Allen, Mary
 Bates, David
 Charron, Gene
 Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Perkins, Lawrence
 Reichard, Kevin
 Sapareto, Frank
 Sheffert, Kenneth
 Sytek, John
 Tucker, Pamela
 Webb, James

Antosz, Jason
 Bettencourt, David
 Chirichiello, Brian
 DeSimone, Debra
 Ferrante, Beverly
 Griffin, Mary
 Hutchinson, Karen
 Kolodziej, Walter
 Manuse, Andrew
 Murphy, Brian
 Oigny, Jeffrey
 Quandt, Marshall
 Rice, Frederick
 Sapienza, Marie
 Shuler, Wyman III
 Tamburello, Daniel
 Waddell, James
 Welch, David

Azarian, Gary
 Birdsell, Regina
 Comerford, Timothy
 Devine, James
 Fesh, Robert
 Hagan, Joseph
 Introne, Robert
 Lundgren, David
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Quandt, Matt
 Ritter, Glenn
 Schroadter, Adam
 Smith, William
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Newton, Clifford
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 O'Connor, William
 Vita, Carol

DeLemus, Susan
 Leonard, Frederick Jr
 Panek, William
 Vita, Lucien

Groen, Warren
 Munck, Philip
 Parsons, Robbie
 Weeden, Michael

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 103 BELKNAP

Millham, Alida Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Hawkes, Samuel
Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Sad, Tara	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Drisko, Richard	Gargas, Carolyn	Garrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Judy, Jean	Katsiantonis, Thomas
Levasseur, Nickolas	Long, Patrick	Pilotte, Maurice	Porter, Marjorie
Ramsey, Peter	Rhodes, Brian	Rokas, Theodoros	Rosenwald, Cindy
Shaw, Barbara	Sullivan, Daniel		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hess, David
Kidder, David	Lockwood, Priscilla	MacKay, James	Owen, Derek
Patten, Dick	Potter, Frances	Richardson, Gary	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	DiPentima, Rich	Gould, Kenneth
Lovejoy, Patricia	Norelli, Terie	Powers, James	Read, Robin Jr
Schlachman, Donna	Serlin, Christopher		

STRAFFORD

Browne, Brendon	Ginsburg, Philip	Grassie, Anne	Harty, Martin
Hofemann, Roland	Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report was adopted.

Referred to the Committee on Constitutional Review and Statutory Recodification.

Rep. Rice declared a conflict of interest and did not participate.

HCR 1, urging the congressional delegation to begin the process for a constitutional amendment establishing that human beings, not corporations, are entitled to constitutional rights. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeanine M. Notter for State-Federal Relations and Veterans Affairs: This bill would urge congress to begin the process of amending the U.S. constitution to establish that human beings and not corporations are entitled to constitutional rights. This has to do primarily with the funding of elections. The HCR should be killed. Vote 8-5.

Rep. Weed spoke against and yielded to questions.

Reps. Soltani and Baldasaro spoke in favor.

Rep. Weed requested a roll call; sufficiently seconded.

YEAS 280 NAYS 93

YEAS 280

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Bolster, Peter
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Comtois, Guy
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

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Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Reed, Michael

Balboni, Michael
Belanger, James
Brown, Kevin
Campbell, David
Coffey, James
Day, Russell
Emerton, Larry
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Cebrowski, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Robbins, David

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rowe, Robert

Scoutsas, Lisa
 Simmons, Tammy
 Stroud, Kathleen
 Thomas, Joseph
 Villeneuve, Moe

Seidel, Carl
 Soucy, Connie
 Summers, James
 Twombly, Timothy
 Warden, Mark

Shaw, Barbara
 Souza, Kathleen
 Swank, Matthew
 Ulery, Jordan
 Whitehead, Randall

Silva, Peter
 Stepanek, Stephen
 Terrio, Ross
 Vaillancourt, Steve
 Willette, Robert

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Keane, Thomas
 Lauer-Rago, Kathleen
 McGuire, Carol
 Richardson, Jon
 Smith, Todd

Coffey, Jennifer
 Hess, David
 Kidder, David
 Lindsley, Mark
 McGuire, Dan
 Sanborn, Laurie
 Soltani, Tony

Cohn, Seth
 Hill, Gregory
 Kotowski, Frank
 Lockwood, Priscilla
 Palfrey, David
 Seaworth, G. Brian
 Winter, Steven

Cox, Sean
 Hoell, J.R.
 Kreis, Kenneth Sr
 McDonnell, John
 Reed, Dennis
 Smith, Molly

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Copeland, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Itse, Daniel
 Lundgren, David
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Reagan, John
 Sanders, Elisabeth
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Waterhouse, Kevin
 Wheaton, Gary

Allen, Mary
 Bates, David
 Cali-Pitts, Jacqueline
 Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Kappler, Lawrence
 MacMahon, Bruce
 McKinney, Betsy
 O'Connor, John
 Perkins, Amy
 Reichard, Kevin
 Sapareto, Frank
 Sheffert, Kenneth
 Sytek, John
 Tucker, Pamela
 Webb, James

Antosz, Jason
 Bettencourt, David
 Charron, Gene
 DeSimone, Debra
 Ferrante, Beverly
 Griffin, Mary
 Hutchinson, Karen
 Katsakiores, Phyllis
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Quandt, Marshall
 Rice, Frederick
 Sapienza, Marie
 Shuler, Wyman III
 Tamburello, Daniel
 Waddell, James
 Welch, David

Azarian, Gary
 Birdsell, Regina
 Chirichiello, Brian
 Devine, James
 Fesh, Robert
 Hagan, Joseph
 Introne, Robert
 Kolodziej, Walter
 Manuse, Andrew
 Murphy, Brian
 Oigny, Jeffrey
 Quandt, Matt
 Ritter, Glenn
 Schroadter, Adam
 Smith, William
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Munck, Philip
 Parsons, Robbie
 Vita, Lucien

Cataldo, Sam
 Jones, Laura
 Newton, Clifford
 Pitre, Joseph
 Weeden, Michael

DeLemus, Susan
 Kaen, Naida
 O'Connor, William
 Sprague, Dale

Groen, Warren
 Leonard, Frederick Jr
 Panek, William
 Vita, Carol

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 93 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William

Carr, Daniel

Chase, Cynthia

Hawkes, Samuel

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Lerandeau, Alfred
Sad, Tara

Lindsey, Steven
Tatro, Bruce

Meador, David
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Goley, Jeffrey
Levasseur, Nickolas
Ramsey, Peter
Sullivan, Daniel

Cote, David
Gorman, Mary
Long, Patrick
Rhodes, Brian

Garrity, Patrick
Jeuzy, Jean
Pilotte, Maurice
Rokas, Theodoros

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Case, Frank
Lovejoy, Patricia
Read, Robin Jr

Cornford, Timothy
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Perkins, Lawrence
Serlin, Christopher

Gould, Kenneth
Powers, James

STRAFFORD

Browne, Brendon
Hofemann, Roland
Schmidt, Peter
Watters, David

Ginsburg, Philip
Hooper, Dorothea
Spainhower, Dale

Grassie, Anne
Horrigan, Timothy
Spang, Judith

Harty, Martin
Keans, Sandra
Wall, Janet

SULLIVAN

Cloutier, John
and the committee report was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 130, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education. **OUGHT TO PASS.**

Rep. Charles J. Brosseau for Education: This bill allows for an alternate method for a school to demonstrate that it provided the opportunity for an adequate education. Currently schools are required to submit annual input and performance based accountability reports to the department of education. This third reporting option enables those schools accredited through New England association of schools and colleges to submit the annual accreditation report demonstrating compliance with standards as an alternate reporting mechanism. This option is a cost saving to local schools and the department of education. Vote 16-0.

Rep. LaCasse spoke against.

Rep. Ladd spoke in favor.

On a division vote, 349 members having voted in the affirmative and 21 in the negative, the committee report was adopted ordered to third reading.

HB 87, relative to disqualification of moderators. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for Election Law: The intent of this bill was to allow moderators who are on the ballot for office to handle ballots after they have been counted by machine. Current law prohibits that action. The secretary of state's office opposed the bill on grounds that even the perception of fraud in allowing ballot handling was not desirable. Vote 18-0.

Rep. Drisko offered a vote correction. The committee vote being 16-2 and the vote to place the bill on the Consent Calendar being 18-0.

Committee report adopted.

(Rep. Chandler in the Chair)**HB 140-FN**, establishing an exemption from the civil filing fee surcharge. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian J. X. Murphy for Judiciary: This bill would expand the exemption from a filing fee surcharge to include any action to change a person's name. Currently, filing fee surcharge exemptions exist for family law name changes such as marriage, divorce or adoption. The filing fee surcharge is \$25, which was found to be reasonable. An indigent individual seeking a name change for reasons that are not exempted can move to have the surcharge waived. Given the reasonableness of the fee surcharge, and relief already available, expanding the exemption to include all actions for a name change is unnecessary. Vote 16-0.

Rep. Horrigan spoke against.

Rep. Brian Murphy spoke in favor.

Committee report adopted.

(Speaker O'Brien in the Chair)**HB 180**, relative to criteria for registration as a lobbyist. **INEXPEDIENT TO LEGISLATE.**

Rep. Marilinda J. Garcia for Legislative Administration: The removal of the exclusions listed in this bill would render RSA 15 provisions that determine whether a person is required to register as a lobbyist overly broad. In addition to creating cumbersome and unnecessary disclosure requirements for those who are not actually employed as lobbyists, it also fails to address the concern about closed door meetings between representatives and representatives from certain organizations, and would be an abrogation of free speech within the public hearing process. Vote 13-2.

Rep. Watrous spoke against.

Rep. Garcia spoke in favor and yielded to questions.

Rep. Campbell requested a roll call; sufficiently seconded.

YEAS 278 NAYS 95**YEAS 278****BELKNAP**

Accomero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Malone, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Cartwright, Anne
Hawkes, Samuel
Moore, Charles

Chase, Cynthia
Hunt, John
Moore, Robert Jr

Dwinell, Richard
Johnson, Jane
Smith, Edwin

Emerson, Susan
Lerandeau, Alfred
Sterling, Franklin Jr

COOS

Rappaport, Laurence
Thomas, Yvonne

Remick, William
Tremblay, Marc

Richardson, Herbert

Tholl, John Jr

GRAFTON

Almy, Susan
Gionet, Edmond
Nordgren, Sharon
Sorg, Gregory

Bradley, Lester
Ingbreton, Paul
Pierce, David
Sova, Charles

Bulis, Lyle
Ladd, Rick Jr
Shackett, Jeffrey

Cooney, Mary
Mirski, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Belvin, William
Brownrigg, Randall Jr
Cebrowski, John
Cote, David
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Gonzalez, Carlos
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Robbins, David
Scoutsas, Lisa
Soucy, Connie
Sullivan, Daniel
Thomas, Joseph
Warden, Mark

Balboni, Michael
Bergevin, Jerry
Brunelle, Michael
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Graham, John
Hikel, John
Hopper, Gary
Krasucki, Joseph
McCarthy, Michael
Messier, Irene
Ober, Lynne
Parison, James
Proulx, Mark
Rokas, Theodoros
Seidel, Carl
Souza, Kathleen
Summers, James
Twombly, Timothy
Whitehead, Randall

Ball, J. Michael
Boehm, Ralph
Burt, John
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Fredette, Robert
Garrity, Patrick
Greazzo, Phil
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Moran, Edward
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Rosenwald, Cindy
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Ulery, Jordan

Barry, Richard
Brown, Kevin
Buxton, Michael
Coffey, James
Day, Russell
Emerton, Larry
Gagne, Larry
Gimas, John
Haefner, Robert
Hogan, Edith
Infantine, William
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Terrio, Ross
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Hill, Gregory
Kotowski, Frank
McDonnell, John
Patten, Dick
Richardson, Jon
Smith, Molly

Coffey, Jennifer
Gile, Mary
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Reed, Dennis
Sanborn, Laurie
Smith, Todd

Cohn, Seth
Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Rice, Chip
Seaworth, G. Brian
Wallner, Mary Jane

Cox, Sean
Hess, David
Kidder, David
Lockwood, Priscilla
Palfrey, David
Richardson, Gary
Shurtleff, Stephen
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Major, Norman
Murphy, Brian
Okerman, Richard
Quandt, Matt
Sapareto, Frank
Shuler, Wyman III

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Elliott, Robert
Garrity, James
Headd, James
Itse, Daniel
Lovejoy, Patricia
Manuse, Andrew
Nevins, Chris
Oligny, Jeffrey
Reagan, John
Schlachman, Donna
Sullivan, James

Antosz, Jason
Bettencourt, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kappler, Lawrence
Lundgren, David
Mauro, Donna
Norelli, Terie
Packard, Sherman
Ritter, Glenn
Schroadter, Adam
Sytek, John

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Devine, James
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Marshall
Sanders, Elisabeth
Sedensky, John
Tamburello, Daniel

Tasker, Kyle
Waterhouse, Kevin

Tucker, Pamela
Welch, David

Waddell, James
Weyler, Kenneth

Ward, Joanne

STRAFFORD

Andolina, Donald
Grassie, Anne
Keans, Sandra
O'Connor, William
Vita, Carol

Browne, Brendon
Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Cataldo, Sam
Hooper, Dorothea
Munck, Philip
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Kaen, Naida
Newton, Clifford
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 95 BELKNAP

Kingsbury, Robert

CARROLL

Babson, David Jr

CHESHIRE

Butynski, William
Lindsey, Steven
Tatro, Bruce

Byrnes, John
Meador, David
Weber, Lucy

Carr, Daniel
Parkhurst, Henry
Weed, Charles

Johnsen, Gladys
Sad, Tara

COOS

Coulombe, Gary
Theberge, Robert

Daugherty, Duffy

Hatch, William

Merrick, Evalyn

GRAFTON

Aguir, James
Smith, Suzanne

Gould, Franklin
Taylor, Kathleen

Harding, Laurie
Townsend, Charles

Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Condra, William
Hansen, Peter
Kurk, Neal
Pepino, Leo
Rhodes, Brian

Barry, J. Gail
Gidge, Kenneth
Hardwick, Harry
Levasseur, Nickolas
Pilotte, Maurice
Shaw, Barbara

Belanger, James
Goley, Jeffrey
Judy, Jean
Long, Patrick
Porter, Marjorie
Vaillancourt, Steve

Campbell, David
Gorman, Mary
Katsiantonis, Thomas
Ober, Russell III
Ramsey, Peter
Willette, Robert

MERRIMACK

Bouchard, Candace
Hamm, Christine
Potter, Frances

Deloge, Helen
Lauer-Rago, Kathleen
Soltani, Tony

Foose, Robert
MacKay, James
Watrous, Rick

Frazer, June
Owen, Derek
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Perkins, Amy
Reichard, Kevin
Sheffert, Kenneth

Chirichiello, Brian
Perkins, Lawrence
Rice, Frederick
Smith, William

DiPentima, Rich
Powers, James
Sapienza, Marie
Tremblay, Stella

McMahon, Charles
Read, Robin Jr
Serlin, Christopher
Webb, James

STRAFFORD

Ginsburg, Philip
Jones, Kyle
Spainhower, Dale
Watters, David

Harty, Martin
Jones, Laura
Spang, Judith

Hofemann, Roland
Roberts, Jenna
Sprague, Dale

Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the committee report was adopted.

HCR 3, urging increased consideration and preservation of local authority in international trade and investment agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucien A. Vita for State-Federal Relations and Veterans Affairs: This bill contends that supra-national treaties, including the Free Trade Area of the Americas (FTAA), the United States-Chile Agreement, the General Agreement on Trade in Services (GATS), the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO), contain provisions that will result in the shifting of the power to regulate zoning, ground water and natural resource protection, corporate ownership of land and law enforcement by courts away from state and local governments. However, a review of web sites dedicated to the above treaties failed to produce any evidence that would support this position. Further, aside from the text of the bill, the sponsor failed to provide any documentation in support of his contentions, nor did any witnesses appear in support of the bill. In addition, this bill focuses on the threat of loss of state and local sovereignty due to the possible impact of a certain few treaties, addressing only a small part of a much larger issue; the process by which bureaucrats, who are not representatives of the people, are allowed to approve treaties and agreements with other countries and supranational organizations. This violation of the constitutional requirement for congressional oversight (Article 2, Section 2) has been justified by the need for expediency, has resulted in hundreds of agreements and treaties becoming law without the protection of a two-thirds majority vote of the United States Senate and will be addressed in this session by HCR 6. Vote 10-0.

Rep. Weed spoke against.

Rep. Baldasaro spoke in favor.

Committee report adopted.

HCR 4, urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert L. Theberge for State-Federal Relations and Veterans Affairs: The committee agrees that sufficient regulations are in place and the national regulatory commission (NRC) apprises the attorney general's office fully and notifies the public of any and all hearings and therefore this legislation is not necessary. In addition, the committee was concerned about the cost of creating another level of oversight. Vote 13-0.

Reps. Manuse, Warden and Avard spoke against.

Rep. Lambert spoke against and yielded to questions.

Rep. Blankenbeker spoke in favor.

Rep. Bates requested a roll call; sufficiently seconded.

YEAS 310 NAYS 59**YEAS 310****BELKNAP**

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Tobin, William

Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Kingsbury, Robert
Pilliod, James
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Umberger, Karen

CHESHIRE

Butynski, William
Chase, Cynthia
Hunt, John

Byrnes, John
Dwinell, Richard
Johnson, Jane

Carr, Daniel
Emerson, Susan
Lerandau, Alfred

Cartwright, Anne
Hawkes, Samuel
Meador, David

Moore, Charles
Smith, Edwin

Moore, Robert Jr
Sterling, Franklin Jr

Parkhurst, Henry
Tatro, Bruce

Sad, Tara
Weber, Lucy

COOS

Coulombe, Gary
Rappaport, Laurence
Tholl, John Jr

Daugherty, Duffy
Remick, William
Thomas, Yvonne

Hatch, William
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Ingbretson, Paul
Pastor, Beatriz
Sorg, Gregory
White, Andrew

Almy, Susan
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Sova, Charles

Bradley, Lester
Gould, Franklin
Mirski, Paul
Shackett, Jeffrey
Taylor, Kathleen

Bulis, Lyle
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Belvin, William
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Drisko, Richard
Fredette, Robert
Garrity, Patrick
Gorman, Mary
Hardwick, Harry
Hogan, Edith
Infantine, William
Krasucki, Joseph
Levasseur, Nickolas
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Pilotte, Maurice
Ramsey, Peter
Robbins, David
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

Baroody, Benjamin
Boehm, Ralph
Campbell, David
Coffey, James
Daniels, Gary
Emerton, Larry
Gagne, Larry
Gimas, John
Graham, John
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Kurk, Neal
Long, Patrick
Mecheski, Holly
Ober, Lynne
Pellegrino, Tony
Porter, Marjorie
Reed, Michael
Rokas, Theodoros
Shaw, Barbara
Stepanek, Stephen
Thomas, Joseph
Whitehead, Randall

Barry, J. Gail
Brownrigg, Randall Jr
Cebrowski, John
Condra, William
Day, Russell
Erickson, Duane
Gandia, Laura
Goley, Jeffrey
Haefner, Robert
Hikel, John
Hopper, Gary
Jeuzy, Jean
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Russell III
Pepino, Leo
Pratt, Calvin
Renzullo, Andrew
Rosenwald, Cindy
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Willette, Robert

Barry, Richard
Brunelle, Michael
Christensen, D.L. Chris
Cote, David
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Katsiantonis, Thomas
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ohm, Bill
Peterson, Lenette
Proulx, Mark
Rhodes, Brian
Rowe, Robert
Soucy, Connie
Sullivan, Daniel
Vaillancourt, Steve

MERRIMACK

Blankenkaker, Lynne
DeStefano, Stephen
Hamm, Christine
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Rice, Chip
Smith, Molly
Winter, Steven

Bouchard, Candace
Foosse, Robert
Hess, David
Kreis, Kenneth Sr
MacKay, James
Patten, Dick
Richardson, Gary
Smith, Todd

Coffey, Jennifer
Gile, Mary
Hill, Gregory
Lauer-Rago, Kathleen
McDonnell, John
Potter, Frances
Sanborn, Laurie
Wallner, Mary Jane

Deloge, Helen
Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Carol
Reed, Dennis
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene

Antosz, Jason
Bettencourt, David
Chirichello, Brian

Azarian, Gary
Birdsell, Regina
Comerford, Timothy

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Copeland, Timothy

Davenport, Joshua
Duarte, Joe
Garity, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Reichard, Kevin
Sedensky, John
Smith, William
Tasker, Kyle
Waterhouse, Kevin

DeSimone, Debra
Elliott, Robert
Gould, Kenneth
Hutchinson, Karen
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Perkins, Amy
Quandt, Matt
Ritter, Glenn
Serlin, Christopher
Sullivan, James
Tucker, Pamela
Welch, David

Devine, James
Fesh, Robert
Griffin, Mary
Introne, Robert
Lovejoy, Patricia
McKinney, Betsy
Norelli, Terie
Perkins, Lawrence
Read, Robin Jr
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Waddell, James
Weyler, Kenneth

DiPentima, Rich
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
McMahon, Charles
Oigny, Jeffrey
Powers, James
Reagan, John
Schlachman, Donna
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

STRAFFORD

Andolina, Donald
Groen, Warren
Kaen, Naida
O'Connor, William
Roberts, Jenna
Sprague, Dale
Watters, David

Cataldo, Sam
Hofemann, Roland
Keans, Sandra
Panek, William
Schmidt, Peter
Vita, Carol
Weeden, Michael

Ginsburg, Philip
Hooper, Dorothea
Leonard, Frederick Jr
Parsons, Robbie
Spainhower, Dale
Vita, Lucien

Grassie, Anne
Horrigan, Timothy
Newton, Clifford
Pitre, Joseph
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Schmidt, Andrew

Gagnon, Raymond
Lovett, Charlene

Howard, Thomas
Osgood, Joe

NAYS 59

BELKNAP

Accornero, Harry

Comtois, Guy

CARROLL

Babson, David Jr

Tregenza, Norman

CHESHIRE

Johnsen, Gladys

Lindsey, Steven

Weed, Charles

COOS

None

GRAFTON

Simard, Paul

HILLSBOROUGH

Avard, Kevin
Brown, Kevin
Maltz, Jonathan
Simmons, Tammy
Warden, Mark

Ball, J. Michael
Burt, John
Murphy, Keith
Summers, James

Belanger, James
DeJong, Cameron
Parison, James
Swank, Matthew

Bergevin, Jerry
Greazzo, Phil
Scontsas, Lisa
Ulery, Jordan

MERRIMACK

Cohn, Seth
Kidder, David
Seaworth, G. Brian

Cox, Sean
McGuire, Dan
Soltani, Tony

Frazer, June
Owen, Derek
Watrous, Rick

Hoell, J.R.
Richardson, Jon

ROCKINGHAM

Allen, Mary
Katsakiores, Phyllis
Okerman, Richard
Schroadter, Adam

Brown, Paul
MacMahon, Bruce
Rice, Frederick
Tremblay, Stella

Ferrante, Beverly
Manuse, Andrew
Sapareto, Frank
Webb, James

Hoelzel, Kathleen
O'Connor, John
Sapienza, Marie

STRAFFORD

DeLemus, Susan
Munck, Philip

Harty, Martin

Jones, Kyle

Jones, Laura

SULLIVAN

Bowers, Spec
and the committee report was adopted.

LaCasse, Paul Sr

Smith, Steven

HR 6, condemning the taking of a private business by a foreign government. **OUGHT TO PASS.** Rep. Daniel J. Tamburello for State-Federal Relations and Veterans Affairs: The passage of this bill would alert the government of Canada to the illegal taking of a business held and operated by a New Hampshire and U.S. citizen. The governments of Quebec and Canada have committed this act in open violation of the NAFTA treaty. Vote 13-0.
Rep. Gagnon spoke against.
Rep. Tamburello spoke in favor.

MOTION TO INDEFINITELY POSTPONE

Rep. Cali-Pitts moved that **HR 6**, condemning the taking of a private business by a foreign government, be indefinitely postponed.
Rep. Cali-Pitts spoke in favor.
Rep. Baldasaro spoke against.
On a division vote, 115 members having voted in the affirmative and 248 in the negative, the motion failed.

The question now being adoption of the committee report of Ought to Pass.
Rep. Tamburello requested a roll call; sufficiently seconded.

YEAS 254 NAYS 115**YEAS 254****BELKNAP**

Accornero, Harry
Luther, Robert
St. Cyr, Jeffrey

Comtois, Guy
Malone, Robert
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

Kingsbury, Robert
Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Emerson, Susan
Moore, Robert Jr

Cartwright, Anne
Johnsen, Gladys
Smith, Edwin

Chase, Cynthia
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

Ingbreton, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell
DeJong, Cameron	Doherty, Shaun	Drisko, Richard	Emerton, Larry
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Gandia, Laura	Gimas, John	Gonzalez, Carlos	Graham, John
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn
Krasucki, Joseph	Lambert, George	Maltz, Jonathan	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Messier, Irene
Murphy, Keith	Notter, Jeanine	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Parison, James	Pellegrino, Tony	Pepino, Leo
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Reed, Michael
Renzullo, Andrew	Robbins, David	Rokas, Theodoros	Rowe, Robert
Scoutsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Summers, James	Swank, Matthew	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Vaillancourt, Steve	Villeneuve, Moe	Whitehead, Randall

MERRIMACK

Blankenkaker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hess, David	Hill, Gregory	Hoell, J.R.	Keane, Thomas
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lindsley, Mark	McDonnell, John
McGuire, Carol	McGuire, Dan	Palfrey, David	Reed, Dennis
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
Soltani, Tony	Winter, Steven		

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Birdsell, Regina	Charron, Gene
Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy	Davenport, Joshua
DeSimone, Debra	Devine, James	Duarte, Joe	Elliott, Robert
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Garrity, James
Gould, Kenneth	Griffin, Mary	Headd, James	Hoelzel, Kathleen
Hutchinson, Karen	Introne, Robert	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	Lundgren, David	MacMahon, Bruce	Major, Norman
Manuse, Andrew	Mauro, Donna	McKinney, Betsy	McMahon, Charles
Murphy, Brian	Nevins, Chris	O'Connor, John	Okerman, Richard
Oligny, Jeffrey	Packard, Sherman	Perkins, Amy	Perkins, Lawrence
Quandt, Marshall	Quandt, Matt	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
Sapienza, Marie	Schroader, Adam	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Tamburello, Daniel	Tasker, Kyle
Tremblay, Stella	Tucker, Pamela	Waddell, James	Ward, Joanne
Waterhouse, Kevin	Webb, James	Welch, David	Weyler, Kenneth

STRAFFORD

Andolina, Donald	Cataldo, Sam	DeLemus, Susan	Domingo, Baldwin
Groen, Warren	Hofemann, Roland	Jones, Kyle	Jones, Laura
Leonard, Frederick Jr	Newton, Clifford	O'Connor, William	Panek, William
Parsons, Robbie	Pitre, Joseph	Roberts, Jenna	Spainhower, Dale
Sprague, Dale	Vita, Carol	Vita, Lucien	Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 115**BELKNAP**

Bolster, Peter
Tobin, William

Fields, Dennis

Millham, Alida

Pilliod, James

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Carr, Daniel
Lindsey, Steven
Tatro, Bruce

Hawkes, Samuel
Meador, David
Weber, Lucy

Hunt, John
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Richardson, Herbert

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Kurk, Neal
Moran, Edward
Ramsey, Peter
Sullivan, Daniel

Barry, Richard
Gargas, Carolyn
Gorman, Mary
LeBrun, Donald
Ohm, Bill
Rhodes, Brian
Ulery, Jordan

Brunelle, Michael
Garrity, Patrick
Infantine, William
Levasseur, Nickolas
Pilotte, Maurice
Rosenwald, Cindy
Warden, Mark

Campbell, David
Gidge, Kenneth
Judy, Jean
Long, Patrick
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Foose, Robert
Kidder, David
Owen, Derek
Richardson, Gary
Williams, Robert

Cox, Sean
Frazer, June
Kotowski, Frank
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Allen, Mary
Hagan, Joseph
Powers, James
Sullivan, James

Brown, Paul
Itse, Daniel
Read, Robin Jr
Sytek, John

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Serlin, Christopher

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter

Ginsburg, Philip
Horrigan, Timothy
Spang, Judith

Grassie, Anne
Kaen, Naida
Wall, Janet

Harty, Martin
Keans, Sandra
Watters, David

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the committee report was adopted and ordered to third reading.

HOUSE RESOLUTION 11

A RESOLUTION affirming revenue estimates for fiscal years 2011, 2012, and 2013.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2011, 2012, 2013 and has presented those estimates to the House of Representatives; and

Whereas, the House Ways and Means Committee strongly supports the Liquor Commission's capital budget request to renovate the Hooksett North and South stores which is estimated by the Commission to generate approximately \$4,400,000 in additional revenue above the estimates affirmed below; and

Whereas, the House Ways and Means Committee strongly believes the repeal of the gambling winnings tax will have a significant positive impact on the revenue estimates affirmed below; now, therefore, be it

Resolved by the House of Representatives:

I. That the House shall not adopt an operating budget for the state effective during the upcoming biennium that spends more than the total of these estimates, which total is \$4,423,600,000.00, less the sum of \$1,606,000.00 resulting from the estimated consequences of the reduction or elimination for the upcoming biennium of the taxes and fees listed below, for a total maximum state budget combined general fund and education trust fund spending of \$4,421,994,000.00 in the upcoming biennium; and

That the following taxes and fees shall be reduced or eliminated, resulting in the estimated net reduction in the available state general fund and education trust fund revenues available during the upcoming biennium referenced above.

II. That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2011, 2012, and 2013.

Committee estimates are based on current rates.

	FY 2011	FY 2012	FY 2013
GEN'L & EDUCATION			
TRUST FUND:			
(Dollars in Millions)	Official	Committee	Committee
	Estimate	Estimate	Estimate
Business Profits Tax	\$313.300	\$308.317	\$314.555
Business Enterprise Tax	<u>189.700</u>	<u>186.683</u>	<u>190.445</u>
SUBTOTAL	503.000	495.000	505.000
Meals & Rooms Tax	245.000	234.000	229.200
Tobacco Tax	220.600	228.000	221.000
Liquor Sales	127.900	126.800	130.300
			135.000
	FY 2011	FY 2012	FY 2013
Interest & Dividends Tax	90.100	83.700	85.400
Insurance Tax	80.500	80.500	86.100
Communications Tax	75.000	79.400	80.200
Real Estate Transfer Tax	89.200	78.000	79.600
Court Fines & Fees	13.200	13.600	13.600
Securities Revenue	34.000	34.300	35.100
Utility Consumption Tax	6.000	6.000	6.000
Board & Care Revenue	20.200	20.200	20.500
Beer Tax	12.800	13.100	13.100
Racing & Games of Chance	2.900	2.300	2.300
Other	67.800	68.700	69.100
Gambling Winnings Tax	3.400	3.400	3.400
Tobacco Settlement Funds	<u>44.200</u>	<u>42.200</u>	<u>42.400</u>
SUBTOTAL	\$1,635.800	\$1,609.200	\$1,622.300
Medicaid Enhancement Tax	108.500	91.400	97.000
Medicaid Recoveries	19.200	22.100	17.400
Lottery Transfers to Education	77.700	66.200	66.200
Bingo Lucky 7 Transfers to Education	1.300	1.300	0.900
Utility Property Tax	28.000	28.000	28.000
Statewide Property Tax	363.600	363.000	363.000

TOTAL GEN'L & ED

TRUST FUNDS	\$2,234.100	\$2,181.200	\$2,194.800	\$2,228.800
HIGHWAY FUNDS:	Official	Committee	Committee	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Road Toll	\$126.500	\$124.500	\$124.500	\$124.500
Motor Vehicle Fees	134.800	129.500	108.300	108.300
Miscellaneous	<u>9.800</u>	<u>40.800</u>	<u>24.500</u>	<u>23.500</u>
TOTAL HIGHWAY FUNDS	\$281.100	\$294.800	\$257.300	\$256.300

FISH & GAME FUNDS:**(Dollars in Millions)**

Fish & Game Licenses	\$9.100	\$8.200	\$8.200	\$8.200
Fines & Miscellaneous	<u>2.200</u>	<u>2.200</u>	<u>1.900</u>	<u>1.900</u>
TOTAL FISH & GAME FUNDS	\$11.300	\$10.400	\$10.100	\$10.100

FY 2012 **FY 2013****LESS TAX OR FEE REDUCTIONS (GEN'L & EDUCATION TRUST FUNDS):****(Dollars in Millions)**

Repeal Meals and Rooms \$5 renewal fee		\$0.030	\$0.000
Reduce inspection sticker fee by 30 percent		\$0.350	\$0.350
Repeal condominium and land sales application fee		\$0.070	\$0.070
Repeal 10 percent tax on gambling winnings		*	*
*The repeal of 10 percent tax on gambling winnings is estimated to be revenue neutral based upon information from Lottery Commission.			
Reduce pet store license fee increase		\$0.003	\$0.003
Reduce marriage license fees from \$50 to \$45		\$0.015	\$0.015
Repeal fee increase for initial copies of vital records		<u>\$0.350</u>	<u>\$0.350</u>
TOTAL TAX OR FEE REDUCTIONS (GEN'L & ED TRUST FUNDS)		\$0.818	\$0.788

Rep. Stepanek moved Ought to Pass and spoke in favor.

Reps. Hamm and Almy spoke against.

Rep. Sapareto spoke in favor.

Rep. Major spoke in favor and yielded to questions.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 266 NAYS 95**YEAS 266****BELKNAP**

Accornero, Harry
Greemore, Robert
Millham, Alida
Swinford, Elaine

Bolster, Peter
Kingsbury, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

Ingbretson, Paul
Simard, Paul

Ladd, Rick Jr
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
Day, Russell
Emerton, Larry
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Parison, James
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pepino, Leo
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Soltani, Tony

Coffey, Jennifer
Hess, David
Kidder, David
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Cox, Sean
Hoell, J.R.
Kreiss, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Elliott, Robert
Garity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Schroadter, Adam
Smith, William
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Harty, Martin
Munck, Philip
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Pitre, Joseph

DeLemus, Susan
Jones, Laura
O'Connor, William
Vita, Carol

Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 95
BELKNAP

Pilliod, James

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Lerandeau, Alfred
Sad, Tara

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Hawkes, Samuel
Meador, David
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

Gould, Franklin
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Goley, Jeffrey
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Cote, David
Gorman, Mary
Pilotte, Maurice
Rokas, Theodoros

Garrity, Patrick
Jeudy, Jean
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Rice, Chip
Watrous, Rick

Foose, Robert
MacKay, James
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Perkins, Lawrence
Serlin, Christopher

Gould, Kenneth
Powers, James

Lovejoy, Patricia
Read, Robin Jr

STRAFFORD

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spang, Judith

Domingo, Baldwin
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the motion of Ought to Pass was adopted and ordered to third reading.

MOTION TO PRINT DEBATE

Rep. Foose moved that the debate on *HR 11*, affirming revenue estimates for fiscal years 2011, 2012, and 2013, be printed in the Permanent Journal.

Motion failed.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 15, 2011 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes.

HB 95, permitting an insurer to operate a health maintenance organization as a line of business.

HB 142-FN, relative to sales of artificial flowers and miniature flags.

HB 143, relative to the sale of stove polish.

HB 79, relative to certification of dogs for law enforcement work.

HB 67, expanding the duties of the school administrative unit oversight committee.

HB 69, relative to the community college system of New Hampshire academic centers.

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar.

HB 42, relative to the appropriate officials with whom to file for a primary.

HB 93, relative to medical documentation for a crossbow permit for a person with a disability.

HB 195, relative to special permits for transportation of deer.

HB 111, relative to redispensing unused drugs.

HB 51, relative to screening panel members for screening panels for medical injury claims.

HB 173, relative to service of process on commercial tenants.

HB 70, relative to changes to town charters.

HB 86, relative to filling a vacancy among county officers.

HB 181, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

SB 11-L, relative to the police commission in the town of Hooksett.

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

HB 45, relative to the Connecticut Lakes headwater citizens committee.

HB 55, adding a member to the exotic aquatic weeds and species committee.

HB 63, extending the instream pilot program for one year.

HB 74, relative to the ticketing and season passes at Cannon Mountain.

HB 410, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee.

HB 56, relative to proper observance of September 11, 2001.

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water.

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions.

HB 148, relative to federal funding for motorcycle-only roadside checkpoints.

HB 192, relative to commercial motor vehicle registration.

HB 136-FN, repealing the uniform athlete agents act.

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation.

HB 167, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie.

HB 155, relative to permits to conduct raffles.

HB 198, relative to the investment options for county funds.

HB 130, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education.

HR 6, condemning the taking of a private business by a foreign government.

HR 11, affirming revenue estimates for fiscal years 2011, 2012, and 2013.

UNANIMOUS CONSENT

Reps. Gile, Wallner and Bettencourt addressed the House.

MOTION TO PRINT REMARKS

Rep. Lynne Ober moved that the remarks made by Reps. Gile and Wallner be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Gile: Thank you, Mister Speaker and thank you Honorable colleagues. I rise to pay tribute to a former member, Honorable Gloria Seldin, Representative from Merrimack, District 11, which is Concord wards 4, 8, 9 and 10 who died very suddenly and unexpectedly on January 23, 2011. Gloria was 86 and she left in exactly the manner she had hoped for. She and I became friends in 1996 when we both decided to run for the legislature and both got elected. Representative Seldin served 6 years in the New Hampshire House, one term on the Labor committee and two terms on the Health and Human Services committee. As a Representative, she sponsored bills and focused always on ways to improve the lives of seniors, individuals with disabilities, children and the poor. One of her dreams was to find a way to match young families in need of housing with senior homeowners who needed help with everyday chores and living. Gloria was big hearted, an activist in Democratic politics and the consummate volunteer. She was a regular in presidential campaigns, working for candidates and attending meetings to speak up for causes she believed in. At the age of 62, following her retirement and prior to her terms as a legislator, Gloria volunteered for the Peace Corps and served in Sierra Leone, one of the most challenging assignments on the planet, given the country's long history of poverty and warfare. There she taught residents to cultivate rice and fish for food and spent the better part of the year completely without your typical creature comforts such as clean water and sanitation. Back home, Gloria immersed herself in community service in places like the Concord Auditorium, VNA Hospice House and the Centennial Senior Center. She served on numerous state and local boards and also participated in the America Reads program. Every week she read stories to the kindergarten children at Walker School in Concord. Until her death, she volunteered at Concord Hospital where one of her assignments was to read the bingo numbers on Thursday afternoons because of her wonderful New York accent. In closing, this past Tuesday, the *Concord Monitor* dedicated an editorial to former Representative Gloria Selden describing her many contributions to the Concord community and the state of New Hampshire. In addition to an extraordinary record of public service, she was a Thursday morning diva at the Windmill in Concord where former Representatives and Senators gather at 7:30, a cookie lady for the shows at the Audi, a mentor who inspired and counseled me on the joys and wonders of aging, often delivering little pamphlets on healthy joints and a few other things I wasn't always anxious to receive. She was one of my dearest friends who I might never have met had it not been for the opportunity to work here in the New Hampshire House of Representatives. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Concord, the Honorable Gloria Seldin.

REMARKS

Rep. Wallner: Thank you, Mister Speaker. I rise today to honor the memory of two former House members. Alice McDonough Wallace died on January 11th after a long illness. She was a lifelong

resident of Manchester. Beginning in 1999, she served three terms in the New Hampshire General Court representing Manchester Ward 5. She was a senior advocate and activist. She served as Commissioner of the Manchester Elderly Services and past President of East Manchester AARP. She also served on the Board of Directors of the Elliott Hospital and was President of the Manchester Women's Club. Also, Sandy Stettenheim of Plainfield died on January 10th. She served one term in the New Hampshire House in 1995. Sandy was a Quaker and a long time peace activist. She was the founding member of the New Hampshire Coalition to Abolish the Death Penalty and served on the steering committee. She was devoted to the health and welfare of the people of New Hampshire and she was a gentle pillar of strength. These women were devoted to community service where they truly made a difference in many lives. Thank you, Mister Speaker.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Plainfield, the Honorable Sandy Stettenheim and the former member from Manchester, the Honorable Alice McDonough.

MOTION TO PRINT REMARKS

Rep. Jasper moved that the remarks made by Rep. Bettencourt be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Bettencourt: Thank you, Mister Speaker. I wanted to take a few moments this afternoon to say a few words in recognition of the centennial birthday of the man whom I consider to be the greatest President of the twentieth century, Ronald Reagan. In his honor, I would like to read a section of his farewell speech from the Oval Office in 1989. "The past few days I've been sitting at the window upstairs and I've thought a bit about the 'shining city on the hill.' The phrase comes from John Winthrop, who wrote it to describe the America that he imagined. What he imagined was important because he was an early Pilgrim, an early freedom man. He journeyed here on what today we'd call a little wooden boat; and like the other Pilgrims, he was looking for a home that would be free. I've spoken of the shining city all my political life, but I don't know if I ever quite communicated what I saw when I said it. But in my mind it was a tall, proud city built on rocks stronger than oceans, windswept, God-blessed, and teeming with people of all kinds living in harmony and peace; a city with free ports that hummed with commerce and creativity. And if there had to be city walls, the walls had doors and the doors were open to anyone with the will and the heart to get there. That's how I saw it, and still see it today." Mister Speaker, in everything that we do, let us strive to uphold the special ideal and vision of America. God bless Ronald Wilson Reagan.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the 40th President of the United States, Ronald Reagan.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports. Adopted.

The House recessed at 1:40 p.m.

RECESS

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Avard on the Special Committee on Public Employee Pensions Reform.

Rep. Betsey Patten off the Special Committee on Public Employee Pensions Reform.

RECESS

(Speaker O'Brien in the Chair)

Rep. Tucker moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 6

Tuesday, February 15, 2011

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher of Gilmanton Iron Works. Heavenly Lord, we ask for Your strength again today, for our task is not always envious in the challenging and foggy climate of subjective opinion. We need the wisdom found in the truth of things, to comfort, encourage and guide us. We seek to be respected not merely as men and women of expediency or in expediency, but people of vision who will prevail, by law, against the forces of disintegration which daily threaten our civility. This is what we need, Lord. Guide us, then, by the strength of Your wisdom, that we may critically persuade with our arguments in a civil manner, for our goal is at all times to establish and maintain the permanent things that bestow life, liberty and the pursuit of happiness. We ask this in Your name. Amen.

Representative Robert Williams, member from Concord, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Berube, Julie Brown and Mirski, the day, illness.

Reps. Beattie, Benn, Bouchard, Ginsburg, Merrick, Oigny and Michael Reed, the day, important business.

Reps. Knox and Rhodes, the day, illness in the family.

INTRODUCTION OF GUESTS

The Honorable Laurie Boyce, former member from Alton, guest of Rep. Blankenbeker.

William Vaillancourt, student at ConVal Regional High School, Page for the day.

RESOLUTION

Reps. Bettencourt and Norelli moved that the House notify the Honorable Senate that it is ready to meet in Joint Convention for the purpose of hearing the Budget Address by his Excellency, Governor John H. Lynch.

Adopted.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing Governor John H. Lynch deliver his budget address.

INTRODUCTION OF SENATE

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Peter Bragdon of Milford.

JOINT CONVENTION

(Speaker O'Brien presiding)

The Sergeant-at-Arms introduced the following special guests: Administrative Judge for the Probate Courts, the Honorable David King; Administrative Judge for the District Courts and Family Division, the Honorable Edwin W. Kelly; Chief Justice of the New Hampshire Supreme Court, the Honorable Linda S. Dalianis; Executive Councilor for District 2, the Honorable Daniel St. Hilaire and Executive Councilor for District 4, the Honorable Raymond J. Wieczorek.

The Sergeant-at-Arms introduced Governor John H. Lynch and Dr. Susan Lynch.

BUDGET ADDRESS

His Excellency, Governor John H. Lynch, addressed the Joint Convention.

Mr. Speaker, Mr. Senate President, Madam Chief Justice, honorable members of the House, Senate and Executive Council and my fellow citizens of New Hampshire, let me take a moment to thank

and introduce my wife, and our great first lady, Dr. Susan Lynch for all she has done for us. Across our state, we are seeing signs of economic recovery, businesses starting to expand, investing once again in people and investing in equipment. People are going back to work. Our unemployment rate has steadily fallen over the past year and is now one of the lowest in the nation. The Federal Reserve Bank predicts New Hampshire will have the strongest economic growth in the nation in the coming months. State revenues are showing signs of recovery, coming in ahead of last year and trending on plan. Because of our careful stewardship, New Hampshire is better positioned than most of the states to emerge from this recession. New Hampshire is strong and with careful and thoughtful cooperation, and with a responsible budget, we will make it even stronger for the future. Over the decades, our state has developed a strategy that has made us a national leader in almost every area. Today, I present a balanced budget for 2012 and 2013. It is a budget that reflects the continued economic challenges that our state and our families face. It also is a budget that protects our state's strategy for success, keeping taxes low and making smart investments in education, health care, public safety and economic development. Over the past two years, we received \$380 million in federal stimulus funds for Medicaid and for education. In one of the worst economic times in many of our memories, we used stimulus dollars to maintain services and spending that were critical for helping our citizens and our economy weather this difficult recession. Those funds also served as an important bridge, giving us time to make smart and real reductions. We used the buffer of stimulus funds to thoughtfully close and transition programs, such as moving children with behavioral issues to community-based programs. We closed the Lakes Region prison. We've accelerated other reforms, such as a new computer system at the Department of Revenue Administration that will allow us to cut spending even further in 2012 and 2013. The hard choices and reductions we've made over the last several years will provide us significant cost savings over the next two years, but one of the challenges of this budget was to account for the loss of federal stimulus funds without decimating core functions and services for our citizens. At the same time, demand and costs for some of these services are increasing. Achieving that balance required significant reductions of programs and services across state government. With this budget, we continue re-thinking every aspect of state government. We have pored over every line in every budget. We've asked not only whether a program was worthy, but also whether it was the most important thing for us to continue to do as a state. For programs that we believe should continue, we asked how they could be done more efficiently and more effectively. This budget restructures many parts of state government, changing what we do and how we do it. It cuts programs, facilities and positions across state government. We are making these changes for a number of reasons. Some we would propose no matter what the economic times. Some are financially necessary. Some choices were made so we could protect higher priorities, priorities core to our state's strategy for economic success – education, health care and public safety. The budget I present today cuts spending by significantly reducing the state's cost structure. This budget spends \$160 million or 5.5 percent less than the state spent in general funds in 2008 and 2009. Across state government, this budget eliminates 1,100 positions, reducing our state employee position count by almost 10 percent. It eliminates 255 currently filled positions, a difficult but necessary move to ensure we can meet our basic responsibilities. We eliminated almost all vacant positions. This budget assumes modest economic and revenue recovery, estimates lower than some outside experts and lower than those of some of our neighboring states. For 2012, this budget assumes that revenues will still be below 2008 levels. This budget proposes neither new taxes nor tax increases. It doubles the research and development tax credit and it repeals the tax on gaming winnings. We are asking our agencies to do business differently so that they can do more with less, but with this budget, we are also making it clear that there are areas where state government will simply do less. We must be honest and clear about the impact that this budget will have on the lives of our citizens. Some programs that people and businesses currently rely on will no longer be there or will operate differently. There are programs that provide real value to our citizens that we simply can no longer afford. We will be using technology to make state government more efficient, and as result, we will be closing offices and facilities and reducing personnel. These changes provide real benefits and real savings, but change is hard and the protests will be loud. None of us can say, cut state government spending, but don't close the office in my town or don't change my program. That is how state government grew to have too many costly offices and facilities in the first place. Parochial interests must give way to the best interests of the state as a whole. We must all join together and be clear that we cannot afford to business as usual here in New Hampshire. We must make these hard choices so that we can direct our limited taxpayer funds

to our core responsibilities and that is what this budget does. With a few exceptions, such as the Judicial Branch and the Veterans Home, almost every agency will spend less than they spent in 2011. The only major agency to receive an increase over general and stimulus fund spending is the Department of Corrections. It is not an increase that I like, but it is a necessary investment in public safety. We made major changes and reductions across state government so we could replace stimulus dollars and maintain adequacy aid to our schools; so that the Department of Justice could continue to prosecute crimes and protect consumers; so that the Department of Safety could put more troopers on the road; and so that we could protect the safety net for our most vulnerable citizens. Today, I would like to walk you through the highlights of those changes. This will be longer than a typical budget speech, but the changes we are proposing today are so significant to our state that I believe it is important to spend time talking about the choices we made, why we made them and what the changes mean for the citizens of New Hampshire. So, settle back and get comfortable. Let me start with the Department of Health and Human Services. It accounts for nearly 30 percent of our state spending and it touches in some ways the lives of hundreds of thousands of residents here in New Hampshire. For the last two years, we used stimulus funds to artificially reduce the Health and Human Services general fund budget. The stimulus funds paid for costs that otherwise would have been paid for by general funds. The recession also caused its caseloads to grow significantly. Although that growth is leveling off, we do not expect a decline in caseloads over the next biennium. This budget reduces the department's spending below its combined general and stimulus fund spending in 2011. I had four major goals for the Department. First, safeguarding health care to our most vulnerable citizens, seniors, children and people with disabilities. Second, providing a helping hand to our neediest citizens to get those who are physically able back to work and to minimize cost-shifting to local welfare agencies. Third, protecting the public's overall health and safety through functions such as juvenile justice, child and elder protective services, food safety and our public health programs and finally preserving, to the extent possible, services to those already receiving them, rather than adding new services or new people to programs. We looked at everything the department does to determine not only what programs added value, but what spending contributed to the highest value to meeting those goals. We considered what programs had other funding sources and options. We changed programs to deliver services more efficiently. We eliminated or reduced funding for a number of programs, including the catastrophic illness program, reimbursements to hospitals for medical education and diversion incentive funding. We chose to privatize the Tirrell House, our substance abuse program for men in Manchester, a change that will also provide opportunities to potentially expand services. Combined, these changes will save an estimated \$8.5 million over the next two years. In the past biennium, we provided an extra \$20 million in general funds to serve an additional 1,300 people with developmental disabilities and acquired brain disorders. In this budget, we made the difficult decision to protect ongoing quality services rather than expanding these programs further. This budget provides \$250 million in general funds to serve people with acquired brain disorders and developmental disabilities, but it does not provide separate funds for waitlists. We tightened eligibility for people with other sources of income. This change allows us to continue to provide financial help to people with the greatest needs. It also allows us to continue to provide the child care funds that help parents move from welfare to work. Following the recommendations of a legislative study committee, this budget moves some shelter and youth programs to unused spaces at the Sununu Center. This change moves young people closer to their families. It puts them closer to a broader range of services. It ends duplication of services and it will save an estimated \$11.3 million over the next biennium. The Department of Health and Human Services is also changing how it does business. For example, the Department began a pilot program to use technology to improve its services. The staff of the former Salem District Office now moves around the district. The Department will expand its efforts to go where the people are. As a result, we will close an additional four district offices over the next two years, saving an estimated \$1.9 million. We are demanding those same types of efficiencies from the organizations that we contract with to provide care. To reduce administrative costs, the department will continue to move toward issuing regional contracts for an array of services, instead of individual contracts for specific service. These changes will save an estimated \$10.5 million over the biennium. State government provides more than 90 percent of the funding for the Community Mental Health Centers and for the Area Agencies for Developmental Disabilities. We need to keep those services within the communities, but we do not need to pay the high overhead of the current system, where every agency has an executive director, a chief financial officer and so forth. With

this budget, we will reduce the number of administrative units for the Community Mental Health Centers by three and the number of administrative units for the developmental disability agencies by another three. Combined, these changes will save \$3.6 million in 2013 while still maintaining local services. With this budget, we are reforming the state's Medicaid program and putting our limited dollars where we will get the highest return. As a state, we've already made a number of changes to control the growth in Medicaid costs. We have reduced provider rates; we have limited access to the most-expensive care networks; and we began bulk buying for certain items, such as diabetic supplies, a change that will save nearly \$2 million over the next two years. Last year, we made the decision to limit in-patient care at Children's Hospital in Boston to only those services that could not be provided in New Hampshire. But Children's, like so many other hospitals, has bought up or launched its own physician practices in our state of New Hampshire. It is now referring patients to Boston for routine out-patient care, care that is available less expensively here in New Hampshire. We are eliminating Children's Hospital from our Medicaid network, except when it is the only option available, for a savings of \$10 million over the biennium. In the past year, the Department of Health and Human Services has been working diligently on plans for a Medicaid managed care program that will include children, women, people with disabilities and the elderly. They expect to issue requests for proposals from outside vendors by this summer. It is important to recognize that the Department on its own has already instituted a number of the tenets of managed care. For example, requiring prior authorization for expensive services and instituting a prescription drug management system. Consequently, the savings for our new managed care program will not be as great as those of states that have not previously acted to control costs, but there will be savings. We expect to institute a Medicaid managed care program by the fourth quarter of fiscal year 2012, a change that will save \$32 million, net of start-up costs, over the biennium. In 2013, that equates to a 5 percent savings over anticipated spending. These changes will also improve people's care by focusing on prevention and outcomes through strategies such as medical homes and accountable care organizations. Ensuring all of our children have access to affordable health care has been one of our state's major priorities. That's because children with access to quality health care stay healthier, do better in school and have a better chance of succeeding later in life. The costs are low and the dividends are truly immense. Through a partnership with the Healthy Kids Corporation, we've provided affordable health care to tens of thousands of New Hampshire children. It's been an important partnership. But even worthy programs must be reviewed to ensure that they are still the best and the most efficient option. As we worked to reduce the Health and Human Services budget, we looked at two alternative proposals for savings in children's health insurance. The first option was to cap enrollment in the program, for a savings of \$1.8 million in general funds over the biennium, but at a cost of denying 1,600 children access to affordable health care. We rejected that option. The second option was to end our partnership with Healthy Kids and bring that program in-house. That will save \$6.6 million in general funds over the biennium and allow us to provide affordable health insurance to more children. I chose the second option. I chose to lower costs and to insure more of our children here in New Hampshire. As we made reductions in the Department of Health and Human Services, we were cognizant of the fact that almost every dollar cut translates into a \$2 reduction when federal matching funds are taken into account. We had to think carefully about what parts of our health care system could best bear the reductions. We considered what reductions would have the least impact on the lives of our citizens here in New Hampshire and we worked to focus on investments that meet our long-term goals of reducing the growth in health care costs by keeping people healthier. As we worked to reduce general fund costs, we considered eliminating Medicaid optional services for adults, for seniors and people with disabilities, but at the end of the day, I don't believe that there is anything really optional about prescription drugs for seniors, nursing services or wheelchairs. Cutting Medicaid optional services would hurt more than 40,000 people. It would result in sicker people, and even, potentially, deaths and it would drive up our health care costs. Without access to prescription drugs or other so-called optional services, people would end up using more expensive health care - ambulances, emergency rooms and long-term hospital stays. We looked at reducing provider rates, but the federal government has made it clear that it will likely reject reductions to provider rates, so we chose a third option. We are redirecting \$20 million in uncompensated care payments the state now makes to hospitals to help maintain Medicaid optional services. As the biggest providers of care, and now the owners of many physician practices, the hospitals would experience a financial impact if we chose to reduce provider rates or cut benefits. Our hospitals in New Hampshire provide excellent service to our citizens.

The doctors, nurses and other staff members working at our hospitals provide high-quality care comparable to that offered anywhere in the country, but from a financial perspective, the hospitals can afford this change. Hospitals get millions of dollars in tax breaks for being nonprofits. According to their latest public filings, the top 200 executives of our 24 non-profit hospitals made a collective \$60 million. Collectively, New Hampshire's nonprofit hospitals generated cash over expenses of more than \$200 million, so instead of using that excess cash to reduce health care costs, hospitals spend it on advertising, trying to attract market share from each other or buying physician and laboratory practices across the state and then increasing overhead charges to patients. They are pouring revenues into multi-million dollar new facilities. In the last five years, hospitals have launched \$500 million in capital projects. Another \$50 million worth of projects are currently pending before the certificate of need board. Most of these expansions are discretionary and these facilities are driving up utilization and driving up our health care costs here in New Hampshire. These are costs that we all see in our ever-increasing health insurance premiums. To that, I say enough. That is why, in addition to this change, I call on the certificate of need board to institute a moratorium on the construction of new facilities by hospitals. We are overbuilding, and if we want to control health care costs, we need a comprehensive review to determine what our state's true health care facility needs are. I will direct the Department of Insurance, in conjunction with Health and Human Services, to undertake that review over the next two years. We took the same hard look at our long-term care system. We offer two main systems of care here in New Hampshire, home-and-community based care and nursing home services. Our seniors prefer to stay in their homes. They prefer to stay in their communities. That is also the most cost-efficient option for our taxpayers. We must preserve important home-and-community based services for seniors, services like meals on wheels and visiting nurses. This budget redirects \$8.5 million in supplemental payments to nursing homes to support home-and-community based care. A quality mental health care system is just as important as the rest of our health care system. Mental health care helps keep people employed, reduces homelessness and even reduces corrections costs. Through this budget, we are making fundamental changes to our mental health care system, moving it in the direction outlined by our state's 10-year mental health plan. As part of Medicaid managed care, we will move to a new payment system for community mental health services that will provide a more stable funding stream, allowing local centers to focus on improving quality, giving consumers more choices and promoting innovation. We will use our resources wisely, providing video conferencing capabilities so that the psychiatrists available 24-hours a day at the State Hospital can also conduct emergency assessments for community mental health centers, improving patient care and saving nearly \$700,000. With this budget, we will provide better and more-cost efficient services to people within their own communities. This budget closes an additional unit at New Hampshire Hospital and invests those savings in creating two additional teams aimed at helping people with mental illnesses live productive lives right in their own communities. We will also privatize the transitional housing units at New Hampshire Hospital and replace them with community-based housing, housing that will help people integrate back into their homes and back into their lives. These changes will save us money over the biennium, but equally important, they will improve mental health care in New Hampshire, meeting our state's long-term goal. We made a number of difficult choices to reduce spending at the Department of Health and Human Services, and at the same time, to meet an increased demand for services, but with this proposal, we are using our dollars more efficiently and directing those dollars to where they will do the most good for people. I firmly believe that education is the most important investment we make as a state in our future economic growth. Providing our children with quality education opens new doors and new opportunities for them. The education of our workforce and the strength of our schools attract businesses to our state. I believe in higher education and I believe in working to make higher education more affordable and more accessible to our families here in New Hampshire. With this budget, we are re-directing higher education dollars to where they will have the most widespread impact. As a state, we've been spending millions of dollars through the Post-Secondary Education Commission and the Unique College administration fund on thousands of small-dollar scholarships and to build endowments at colleges and universities, some of which are private. Through the Post-Secondary Education Commission alone, we were spending \$500,000 to administer just \$3.5 million in scholarship money. That is not the most efficient use of our resources, not given the challenges we face. So with this budget, state government is getting out of the financial aid business and redirecting those funds to support our community college and university systems. We are eliminating the Post-Secondary Education Commission as a stand-alone

agency and consolidating its remaining functions, including overseeing veterans' education, regulation, and ensuring access to college transcripts, within the Department of Education. We will continue to support funding for the New England Board of Higher Education, which is a cooperative agreement that allows our students to access in-state tuition rates for some programs at other New England schools. The Post-Secondary Education Commission has long paid to reserve spots for medical and veterinary students from New Hampshire. It is an investment, however, with no guaranteed return. It does not require the students to work here in New Hampshire. That is why I am eliminating the program and instead maintaining our loan repayment program, which helps bring doctors to work in under-served rural areas of New Hampshire. Our University and Community College systems are tremendous resources to our state and are clearly worthy of our investments. They educate thousands of New Hampshire young people and adults. They provide research that helps businesses grow and create new jobs. They are our engines of our economic future. The restructuring of Unique and the Post-Secondary Education Commission will allow us to fund the community college and university systems at 95 percent of their current levels. The Community College System will also receive an additional \$2 million a year to create an advanced composite manufacturing program, which will help make possible the expansion of Albany International here in New Hampshire and attract additional businesses in this growing field. Through Albany International alone, this investment over the next eight years will directly and indirectly create 1,000 jobs and generate more than \$100 million in economic activity. In addition, this budget invests \$2 million a year in job training both for unemployed workers and to help companies improve the skills of their existing workforce. This investment will help keep those good jobs right here in New Hampshire. Since 2002, through the KEEP program, we've invested \$175 million in improving the facilities at our University System. Those investments have helped ensure the University System can keep up with modern educational demands, including in science and technology. The capital budget provides nearly \$35 million to fund the remaining portion of KEEP and provides \$5 million to begin funding the University System's deferred maintenance plan. Our community college system is growing. It offers countless adults the opportunity to improve their skills to compete for better jobs. Young people turn to the community college system to prepare them for the workforce, or as a way to save money as they work to earn a four-year degree. The system is facing increasing demands for new services and programs and this capital budget provides the community colleges with \$18 million to construct and maintain the facilities needed by our businesses and needed by our citizens. These funds will help build a new academic building in the Lakes Region for health sciences, improve computer science and welding facilities in Manchester, upgrade the automotive repair programs at White Mountains, Nashua and Manchester and improve technology and health science offerings at River Valley. Now, as a state, I do not believe we should micro-manage the spending of either the community college system or the University System, but I do think that we should demand the same efficiencies from both that we are demanding from the rest of state government. Over time, higher education has spent its funds in certain ways because that is the tradition, but programs become outdated, bureaucracies grow and so does spending. That is why I am creating a commission to review public higher education spending to ensure that it is as efficient as possible. I will ask the commission to make recommendations on the University and the Community College system offices to ensure that they are as lean as possible, to review whether there is unnecessary duplication between the two systems and to consider how we can continue to improve coordination and integration of the community college and the university systems. We must make sure that both systems are doing everything possible to keep college affordable and accessible for our families here in New Hampshire. The largest chunk of the state budget, nearly 50 percent, goes out as state aid to local schools and communities. All of our children deserve the opportunity for a quality education so that they can learn and succeed later in life. That is why this budget invests more than \$2 billion in education over the next two years. In just five years, we've cut in half our high school dropout rate and preliminary estimates show that there was another significant decrease just last year. That is why this budget continues to support our dropout prevention programs. This small investment now will save our state money in the future. High school graduates are less likely to end up in prison or on state assistance. More importantly, these funds are making it possible for more of our young people to have better lives and get good jobs in the future. At a time when states across the nation are cutting funding to local school districts, this budget provides level funding to school districts. Now, let's be clear, this is not a cut. For 2012 and 2013, school districts will receive in adequacy aid exactly that which they received in 2011. This is not a cut.

Just three months ago, we distributed an additional \$20 million in federal stimulus funds to schools, funds that most school districts are reserving for the 2012 school budget, but even as we maintain adequacy funding levels, we cannot do business as usual. I continue to support placing a constitutional amendment on the ballot that allows us greater flexibility to target aid to communities and children with greater needs, but we need additional reforms as well. Over the past decade, as the state's commitment to education went from \$50 million in 1999 to \$945 million today, we've seen a move away from multi-community cooperation on education. That is why this budget provides \$1 million in grant funds to support cooperative efforts by school districts to work together to reduce costs and improve the quality of the delivery of education. In just 10 years, school building aid costs have more than doubled. The money hasn't always gone where it is needed the most. Some communities have built grand new facilities. Others are still putting buckets under leaky roofs. Instead of equalizing opportunities for our children, these funds have too often only exacerbated the differences between and among our schools. There have been several attempts over the last few years to re-consider the building aid formula, but they haven't gotten far. Well it's time for all of us to be honest about what we can afford and what makes sense for our state. We cannot afford to double school building aid again over the next decade. In recognition of the state's financial situation, this budget provides \$20 million for school building aid payments in 2012 and restores the funding to 100 percent or nearly \$50 million in 2013. This budget also continues the moratorium on state funding for new school building projects, except in cases of emergency, until we can develop a common-sense new system with controllable and sustainable costs and a system that makes its first priority ensuring basic, safe school facilities for all our children. As we looked at this budget, we also re-examined the state support for local schools that pre-dated the creation of the adequacy formula. For example, the school funding formula that began this biennium includes enhanced aid of \$1,856 per pupil for special education students. In all, the formula dedicates \$50 million to special education funding. That is why this budget reforms the catastrophic aid formula, which also provides special education aid, to limit assistance to cases costing more than 10 times the state average. We all know that one of the challenges of this budget was replacing lost federal stimulus dollars. I mentioned that before. With this budget, the amount of state tax dollars going out in aid to local schools and communities will actually increase over what we are spending today. When we compare general, education and stimulus spending, overall aid to schools and communities will be about 94 percent of what we spent in 2010-2011, comparable to the reduction in general and stimulus fund spending for the rest of state government. For municipalities, we are level funding meals and rooms distributions in 2012 and increasing it by \$5 million in 2013. We will provide more than \$70 million in direct grants for local road and bridge projects. In the Department of Environmental Services, we will continue to pay for wastewater, water treatment and solid waste projects already enrolled in the State Aid program, but we will not add additional projects. Each and every day our public employees, state workers, teachers, police officers and firefighters, some of whom are here today, respond to the needs of New Hampshire. Their efforts deserve our thanks and our recognition. Together we work to ensure the State of New Hampshire, local communities and schools provide the level of service our citizens require, while staying within our financial means. It is important that we honor the commitments that we have made to our public employees and to their retirement. Employee retirement costs are increasing for the state and for our communities. We must recognize that this is not the fault of our employees or the result of some new benefit. Rather, we are seeing the result of shortsighted decisions made two decades ago that allowed the state and the local employers to deliberately underfund the true costs of the retirement benefits that were promised to employees. Over the last few years, we took major steps to reform the retirement system, beginning with a new accounting method that honestly accounts for our outstanding liabilities and we put in place a plan that pays down those liabilities over the next 27 years. Let's be clear, today's retirement system is not on the verge of insolvency or bankruptcy. That said, we must continue working together to enact reasonable and responsible policies to ensure the benefits we promise future employees are affordable for the long term. As we developed the budget, we examined a number of programs that have been driving state cost increases for a number of years. Most made sense when they were launched, but I suspect no one at the time knew how quickly they would grow. The state subsidy for local retirement costs falls into that category, which is why this budget eliminates that subsidy, but I am also proposing a series of retirement benefit reforms for new public employees, which over the long term, will reduce costs for the state, communities and for the school districts. This package increases the retirement age for police and firefighters to 25

years of service and age 50 and increases the retirement age for other employees to age 65. Two years ago, we increased the retirement contribution for new state employees. Now I am proposing increasing that contribution for all other groups from 5 percent to 7 percent for group 1 and 9.3 percent to 11.3 percent for group 2. This package will no longer allow for end-of-career payouts that artificially increase compensation and it increases the time period for calculating the average end-of-career pay from three years to five years. Together, these reforms will help lower the rates that employers, the state, municipalities and school districts pay. These changes will save employers an estimated \$1.5 billion over the next 20 years and help keep our retirement system on a sound footing. Public safety is also one of our top priorities as a state. This budget level funds the Department of Safety in order to meet our core responsibilities. There will be no layoffs of state troopers, but to preserve trooper positions at a time of higher costs, we are making changes across the department. The Division of Motor Vehicles has launched an on-line licensing renewal system and will soon allow for online payment of traffic tickets. For most people, these changes mean they will only have to visit a Motor Vehicle office once every 10 years. As a result, we will close four substations and reduce personnel, saving \$1.2 million. The Department of Safety currently spends \$2 million a year to subsidize driver's education, with most of the money going to private driving schools under contract to public schools. This budget eliminates that subsidy and re-directs the funds to a higher priority, funding the detectives' bureau at the Department of Safety. Both the Department of Safety and Department of Education currently regulate drivers' education. We are eliminating that function within the Department of Education, saving an estimated \$175,000 over the biennium. Several years ago, we merged Highway Patrol and State Police. It is a move that has given us more flexibility, allowing the Colonel of State Police to put more troopers on the road during bad weather and major events. With this budget, we continue that integration and focus on putting more of our law enforcement resources to work where they have the highest value. Right now, some members of Troop G, the former highway patrol, perform mechanical inspections of commercial vehicles at weigh stations and they inspect car dealerships. This budget hires eight mechanics to perform those functions and puts those troopers on the road across New Hampshire. Our Corrections System is also critical to ensuring the safety of our citizens. The Department of Corrections, as I mentioned before, is the only major state agency to see an increase in funding over general and stimulus spending in 2010-2011. While it is an important and necessary investment in public safety, it is not an investment in New Hampshire's future. It is not an area where I want to spend more money. I would rather spend the money on higher education. That's an investment that will help our economy grow. The cost of corrections would be even higher if we had not closed the Lakes Region Facility and also passed the Justice Reinvestment Act. Our prison population is decreasing, but Corrections is mostly fixed costs. The budget does assume some savings from incidental costs, food, medical care and uniforms that result from the changes made through that legislation. Greater savings will come in 2014-2015 when we are able to close housing units as we reduce the number of people returned to prison for committing crimes. Before we passed the Justice Reinvestment Act, 50 percent of inmates returned to state prison within three years for new crimes. The simple fact is we cannot make lasting and meaningful reductions to corrections spending if we don't make changes to our corrections system aimed at lowering the number of released inmates that go ahead and commit new offenses. That is why we are recommending changes to the Justice Reinvestment Act, but preserving its core reforms. These reforms will save taxpayers money and also ensure public safety. Even with the savings from these reforms, the cost of our corrections' system in New Hampshire is not sustainable. For example, the age of the Concord state prison makes it inefficient to run. That is why we have issued requests for information about new options for our prison system, including potential public-private or multi-state partnerships. The deadline for those responses was yesterday. Our intention is to review those proposals, and to present any viable alternative options for our corrections system to the legislature during the budget process. High-quality roads and bridges are essential to the quality of life of our citizens and to the economic development of our state. With this budget, we reduce the Department of Transportation's operating budget by \$12 million from 2011 and we level fund spending on road and bridge projects. We level fund appropriations from the Highway Fund to other agencies, including the Department of Safety. This budget transfers administration of the state's welcome centers to the Department of Resources and Economic Development and provides for the redevelopment of the Hooksett and Interstate 95 welcome centers. Our goal is to make our rest areas more than pit stops, but areas that truly welcome people to our great state and promote our tourism industry. This budget maintains existing revenues for the High-

way and Turnpike Fund to pay for nearly \$90 million in betterment and state aid road and bridge projects; to provide \$70 million directly to communities to support their own road and bridge work and to pay for the next two years of the state's 10-year transportation plan. This is a budget that will allow us and our municipalities to keep up with basic maintenance of our roads and bridges, and to continue to move forward with important projects. It is not, however, a long-term solution for our state's highway needs. I remain committed to working with all of you on alternatives, including a potential consolidation of our highway and turnpike systems, to allow us to fully fund the 10-year plan, including expanding Interstate 93 all the way to Manchester. While the areas I've already discussed account for the majority of state government spending, there are also significant changes in other agencies. This budget eliminates programs such as the OSHA consultation program for businesses run by the Department of Environmental Services. It also consolidates the administration of the Department of Environmental Services lab with the state Public Health Lab, for a savings of more than \$300,000 over the biennium. It eliminates the requirement that the state pay for mediators and guardian ad litem in divorce cases. That change allows us to fund legal assistance and CASA, as well as put forward a realistic budget for indigent defense. It consolidates the administration of the Boards of Accountancy, Real Estate Appraisers and Manufactured Housing into the Joint Board. It also begins the process of saving on the administration of health boards by providing the capital funds to move them under one roof at the State Office Park South. It moves the Arts Council into the same state-owned space as the Division of Historical Resources to save on rental and administrative costs. The McAuliffe-Shepard Discovery Center is a great tribute to two New Hampshire space pioneers. It offers meaningful and important learning opportunities to children and adults and is inspiring a new generation to explore the universe, but it is also time for the Center to move toward greater self-reliance. When the legislature authorized the Center's expansion, it was with the understanding that the Center's board would raise the funds to pay the debt service. That hasn't happened. Instead, for the last several years, the Center has overspent its appropriations by about \$250,000 a year. This budget provides the planetarium with the equivalent of 95 percent of its appropriations, not expenditures, for the upcoming biennium, but in recognition of its difficulties, those payments are frontloaded in 2012. This budget requires the planetarium and its staff to consider new options, including becoming an independent nonprofit or increasing fundraising to reduce its general fund expenditures to \$225,000 in 2013. This budget makes changes at the Lottery and the Liquor Commission, both of which generate revenue to fund important state priorities. With this budget, we are providing both agencies with more flexibility to act as businesses, including allowing them to provide financial rewards to state employees for work that contributes to increased revenue. We cut spending at the Department of Resources and Economic Development to 95 percent of current year levels, with the exception of the Division of Travel and Tourism. In this division, we are keeping the commitment that we made to the travel and tourism industry. This budget dedicates 3.15 percent of rooms and meals revenue to travel and tourism promotion. It's an investment that returns tens of millions of dollars to our businesses, to our communities and to our state. Our state parks are one of our most valuable tourism assets and provide countless New Hampshire families with access to affordable recreation. They are treasures and this budget continues to invest in protecting and improving them. First, I believe we must recognize the remarkable strides the park system has made in improving its management. It's actually turning a profit, but for a number of years previously, the system ran a deficit and the general fund made up the difference by paying the Park's bills at the end of the fiscal year. The actual debts have long since been paid, but the park system is still required to turn any profits it makes back to the general fund. This budget proposes to erase the state park system's debt to the general fund so that it can invest its profits in improving services going forward. In addition, we will invest nearly \$4 million in capital funds for repairs at parks across the state. The budget of the Department of Information Technology also shows an increase, but as you know the Department is funded by other agencies and while it has reduced the cost of its shared services, the flat rate that every agency pays, there is an increase in the cost of agency-specific projects. That is because instead of cutting the department directly, we allowed agencies to make their own choices in developing their own reduced budgets. Many agencies chose to cut elsewhere in order to invest in technology that will provide short- and long-term savings to taxpayers. As the legislature reviews the Information Technology budget, I urge caution. Across-the-board cuts to this Department and to capital budget technology investments could eliminate savings in the operating budgets of departments and undercut our ability to deliver long-term savings to the taxpayers of New Hampshire. This budget also moves forward with a number of

initiatives that will cut costs across state government. With our new state financial system and a new online human resources system funded in the capital budget, we are able to move state government away from paper and labor intensive processes. With this budget, we will begin consolidating human resources and payroll functions. The state currently has about 400 people, or 170 full-time equivalents, involved in processing payroll and in human resources. With this budget, we will begin consolidating payroll and human resources across state government, a change that will conservatively save \$1.8 million over the next two years. We will also move forward with the consolidation of state back office functions, examining how we do accounting and finance, collections and other cross-government services. These changes will save an estimated \$1.3 million over the next biennium. To expedite these reforms, we will in the next few months issue a request for proposals for outside expertise, fund a position within the Department of Administrative Services to lead the consolidation efforts and give the commissioner of Administrative Services the authority to move positions and eliminate positions, across state government to achieve these expected savings. For our state employees we will spend \$188 million in 2011 on health care. We were estimating a \$50 million increase in health care costs for the next biennium. We cannot afford that cost increase. For our retirees under age 65, this budget proposes increasing the monthly premium to \$100, about the same premium that retirees over age 65 currently pay for Medicare. That change will reduce the state cost for retirees' health insurance by \$10 million in 2012. For our current state employees, this budget level funds health care costs and that change applies to employees at all state agencies, not just those funded by general funds. I call on our state employees to work in partnership with us to re-design our health care system to reduce costs. Working together within this budget, we must make practical, common-sense changes to health care benefits to ensure that our employees have access to quality health care at a price they and our taxpayers can afford. Some of these changes would need to be negotiated with our state employee union, but change is not an option. We can choose together how to reach this goal, but there is no choice about the goal. As Governor, I can only make recommendations on the overall funding levels, but not the line item budgets for the legislative and judicial branches of government. For the legislative branch, I have recommended a budget that is 95 percent of 2011. The same funding level as most executive agencies, including the Governor's office. With this budget, I am also proposing a change in law that would bring the legislature in line with the rest of state government. At the end of each fiscal year, almost every agency returns unspent money to the general fund. The legislative branch does not do that. The legislature has built up a surplus account that currently holds more than \$5 million. This budget proposes that the legislature return that money to the general fund at the end of this fiscal year and no longer be allowed to carry that appropriation. This budget level funds the Judicial Branch at 2011 spending. It funds almost all existing courthouses, with the exception of the Nashua District Court, which will be moved into the Hillsborough South Courthouse once the renovations to Hillsborough North are complete. The current district court building will then be sold with the proceeds dedicated to the Rainy Day Fund. In addition, we are funding the capital projects necessary to implement the 2012-2013 phase of the recommendations of the Judicial Branch innovations commission. I want to take a moment to applaud Chief Justice Linda Dalianis and the other members of the judicial branch for taking a hard look at how they do business and how they can do it better in the future. Thank you, Chief Justice, for what you are doing. In addition to the changes in this budget, agencies are already working on a number of other initiatives that will improve efficiency and reduce costs. Currently, Department of Safety staff manually enters into computers more than 100,000 tickets a year. Then, once people enter pleas or the court issues verdicts, they manually match tickets and checks and enter all of that data as well. Over the course of the next two years, the Department will move to electronic ticketing for both state and local police, which will reduce future operating costs. The new system will also help us move forward with an Administrative Traffic Court, which will further reduce costs for the Judicial Branch and save the state and local communities hundreds of thousands of dollars annually in police overtime. The Department of Health and Human Services has launched a pilot project using speech-to-text software and recorders so that caseworkers can spend less time entering data in reports and more time in the field, which will reduce the need to add people to meet the demands of a growing population. The Internet is making it possible for us to cut costs across state government, but our increased shift to online applications is putting a severe strain on the state's already fragile technology infrastructure, the pipes that carry that data from state office to state office. Through the capital budget, we will upgrade that infrastructure so that we can move to a voice over internet protocol. This investment will pre-

vent the very real possibility of a collapse in our state's technology infrastructure. It will also allow us to achieve greater efficiencies in state government. By adopting a voice over internet protocol, we will be able to easily share information or share work across state government. For example, the Division of Motor Vehicles has already made the switch. Motor Vehicles can now track and reduce waiting times for calls. This technology also allows them to easily shift calls and documents from one location to another. So, for example, if the switchboard in Concord is overloaded, it can move those calls to the office in Berlin. This capital budget also funds the creation of a new online Business One-Stop. This phased project will provide one on-line place for companies to find the information they need to do business in and with the state of New Hampshire. It will integrate computer systems to save agencies from duplicative work. And it will allow us to move to an online and integrated permitting system. Finally, this budget proposes to rebuild the Rainy Day fund to a minimum of \$30 million. In addition to the \$21 million surplus we expect at the end of 2013, this budget proposes selling facilities that we no longer need and that are costly to maintain, such as the Lakes Region campus and putting those proceeds in the Rainy Day Fund, the proceeds of which would be over and above the \$30 million. It also proposes to move forward with the leasing of the welcome centers on Interstate 95 and dedicating those proceeds to the Rainy Day Fund as well. Now you can see, I think that there has been a lot of work putting this budget together and the budget was possible because of the hard work of our agency heads and our state employees and the innovations they have begun over the last six years. They recognized early that there would be no quick return to business as usual. If you can join with me in taking a minute, let us take a moment to thank the department heads and employees for the work they have done. I also want to thank my budget director, John Beardmore. Many of you have worked with him and he really has done an outstanding job as well. He is standing right over there. Let's give him a round of applause. Well deserved. So, where are we? This budget is balanced. It uses no one-time funds. It lowers state government's overall cost structure so that it is sustainable for future years. This is a budget that invests in maintaining the strategy that has made New Hampshire the envy of the nation. As we have addressed the immediate fiscal challenges of the last several years, we've also worked to launch a long-term transformation of state services. Transformations that will save taxpayers' money in the next two years and into the future. With this budget, obviously we've also made some difficult choices, choices that will impact the services some of our citizens and businesses that they currently receive. Few of these choices were easy, but these choices were necessary to ensure that we could protect public safety, public health and education. This budget includes almost no back-of-the-budget cuts, except for the reduction in health care spending, which must be bargained with our employees. We made our choices clear and I ask and I urge the legislature to do the same, avoid across-the-board reductions that don't specify what programs you wish to cut. As we enter the next phase of the budget process, I recognize and respect that the legislature may have different ideas and different priorities and I am absolutely committed to working with you throughout this process. Our final product will not be the governor's budget or the house's budget or the senate's budget, but the budget of New Hampshire, a budget for the people of New Hampshire. Let us work together to meet our responsibility to them. As we work through this process, we must remember that in spite of the challenges we face, this is still a great state, a strong state, a state that is leading the nation's recovery. Together, through the choices we make this year, I know that we can make New Hampshire even stronger. I look forward to working with you to ensure a responsible, balanced budget that meets the needs of the people of our great state. Thank you very much for all that you do. Thank you.

Rep. Tucker and Sen. Bradley moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION

The Speaker reconvened the House session.

MOTION TO SUSPEND HOUSE RULES

Rep. Lynne Ober moved that House Rules be so far suspended as to allow for late drafting and introduction of a bill to allow school districts to call a district meeting to accommodate a change in education funding.

Adopted.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 65, relative to the advisory board on private investigative agencies and security services, and firearms proficiency for armed security guards, private investigators, and bail enforcement agents, removed by Rep. Ulery.

HB 124-FN, allowing any person to request conviction information regarding public officials, removed by Rep. Ulery.

HB 109, relative to residential fire sprinklers, removed by Rep. Ferrante.
Consent Calendar adopted.

HB 47, relative to inactive license status for real estate brokers and salespersons. **OUGHT TO PASS.**
Rep. James M. Sullivan for Commerce and Consumer Affairs: This bill clarifies the real estate commission's procedures for placing a license on inactive status. The changes simplify the method of requesting a change of status. This would help those licensees who are experiencing the downturn in the real estate market. Vote 13-0.

HB 61, relative to daylight saving time. **OUGHT TO PASS.**

Rep. Donna C. Mauro for Commerce and Consumer Affairs: The bill provides that daylight savings time in New Hampshire shall correspond with federal law. Vote 14-0.

HB 107, relative to the creation of express trusts for payment of claims for materials and services in building projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna C. Mauro for Commerce and Consumer Affairs: This bill seeks to establish express trust to ensure payment to suppliers when a contractor or subcontractor files for bankruptcy before paying for supplies. The extent of the problem was not well defined and the proposed remedies created undesirable consequences. Vote 12-1.

HB 169, relative to the regulation of wood stove, wood pellet, and fireplace dealers. **INEXPEDIENT TO LEGISLATE.**

Rep. James M. Sullivan for Commerce and Consumer Affairs: The bill sought to relieve problems with dealers' agreements, inventory repurchase criteria and business transfer procedures by inserting dealers in these products into provisions of RSA 347-A:1,II that covered farm, utility tractors and other types of heavy or industrial equipment. The existing provisions did not seem to fit the nature of wood stove, pellet or fireplace equipment, as to the nature of the inventory and its repair part valuation, and the lack of formal distribution agreements. Vote 13-0.

HB 174, relative to insurance coverage for court-ordered counseling in divorce proceedings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matt J. Quandt for Commerce and Consumer Affairs: This bill provides that if parties to a divorce proceeding are insured and are required to participate in counseling, the parties may select a counselor who accepts direct payment from the parties health insurance carrier. Vote 13-0.

Amendment (0109h)

Amend the bill by replacing sections 1-3 with the following:

1 Causes for Divorce; Reconciliation; Counseling. Amend RSA 458:7-b to read as follows:

458:7-b Reconciliation. Whenever, before or during a hearing but before a final decree, the court shall determine that there is a likelihood for rehabilitation of the marriage relationship, the court shall refer the parties to an appropriate counseling agency within its jurisdiction, which referral may be made according to RSA 167-B or as the parties request, with the approval of the court. If the court determines that there is a reasonable possibility of reconciliation, the court shall continue the proceedings and require that both parties submit to marriage counseling. *If the parties are insured, the court shall give due consideration to selecting a counselor who accepts direct payment from the parties' health insurance carrier.*

2 Marriage Counseling Referral Service. Amend RSA 167-B:1 to read as follows:

167-B:1 Service Established; Court Referrals. Whenever a petition for divorce or petition for legal separation has been filed with the superior court the presiding justice or his *or her* authorized representative, subject to rules to be established by the superior court, pending a hearing upon the merits, shall exercise his *or her* discretion to determine if the matter before the court shall be

referred for marriage counseling to an approved family service agency within the jurisdiction of the court. ***If the parties are insured, the referral shall be made with due consideration to identifying a counselor who accepts direct payment from the parties' health insurance carrier.*** Any such referral shall be binding upon the petitioner and upon any petitionee who enters an appearance or otherwise submits himself ***or herself*** to the court's jurisdiction.

3 New Paragraph; Parental Rights and Responsibilities. Amend RSA 461-A:4 by inserting after paragraph II the following new paragraph:

III. If the parties are insured and the parenting plan directs the parties to participate in counseling, the court shall give due consideration to selecting a counselor who accepts direct payment from the parties' health insurance carrier.

AMENDED ANALYSIS

This bill provides that if the court orders the parties to a divorce or parental rights case to participate in counseling, the court shall give due consideration to selecting a counselor who accepts direct payment from the parties' health insurance carrier.

HB 203-FN, relative to mandatory motor vehicle liability insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. James F. Headd for Commerce and Consumer Affairs: This bill requires proof of motor vehicle liability insurance in order to register a motor vehicle. Additionally, it also increases the minimum liability limits for motor vehicle policies. This would place an undue financial burden on our citizens as the premium increases could be extreme in some cases. Even though New Hampshire does not now demand auto insurance, we have one of the highest percentages of insured operators in the country. Our uninsured rate is in the 7% area; 93% of our drivers are insured. Additionally, all policies bought in the state do have mandatory uninsured motorist protection at a very reasonable rate. Further, once an individual has an uninsured accident, the state has mandatory financial responsibility rules in place so the uninsured operator has the potential of losing his or her operators license until certain financial responsibilities are met. Contrary to common belief, an individual's insurance rates will not be increased due to an accident with an uninsured motorist. Rates are only increased if a driver is deemed at fault, not just for simple involvement. Vote 13-0.

HB 53, requiring the inclusion of certain offenses against adults on the public sexual offender list. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill is not sufficiently thought out and a strong enough case was not made to the committee for adding every person guilty of a sex offense onto an already crowded registry. Vote 14-2.

HB 80, eliminating the rank of corporal in the division of state police. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill is a housekeeping measure which removes a reference to the rank of corporal within the state police. The rank has not been filled for several years and the amendment reflects the existence of seven troop commanders and assistant troop commanders instead of the six currently in statute. Vote 16-0.

Amendment (0034h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to ranks in the division of state police.

Amend the bill by replacing section 1 with the following:

1 Division of State Police; Ranks. Amend RSA 106-B:4 to read as follows:

106-B:4 Ranks and Qualifications; Establishment. The director of state police shall hold the rank of colonel. Within the division of state police there shall be not less than one major, 2 field officers with the rank of captain, [6] 7 troop commanders with the rank of lieutenant, [6] **and 7** assistant troop commanders with the rank of sergeant [~~and 6 corporals at large~~]. Every police employee shall have had not less than 2 years' service within the division to become eligible for promotion of any type except from probationary status to trooper. No member of the division shall be eligible for promotion in any event unless his **or her** record is free from the commission of any major infraction of divisional discipline within the last 7 consecutive years of such service. In addition to the foregoing, the personnel commission, with the advice of the director, shall establish suitable classification

for additional grades, positions and ranks and for each classification shall fix standards of health, education, training and experience, as well as the conduct and manner of taking of competitive examinations for promotion within the division.

AMENDED ANALYSIS

This bill eliminates the rank of corporal in the division of state police and makes other changes to reflect the current ranks within the division.

This bill was requested by the department of safety.

HB 82, relative to the annulment of criminal records. **OUGHT TO PASS.**

Rep. David A. Welch for Criminal Justice and Public Safety: This legislation is the result of a study committee established by HB 1533, Chapter 307, Laws of 2010. This committee agrees with the study committee's findings that the current statute regarding the annulment of criminal records is outdated. The committee recognizes that the internet further complicates the intent of criminal annulment, creating a new record of the incident which is all but impossible to retract. Annulments of criminal record have increased in recent years, according to statistics provided by representatives of the media, from about 800 criminal cases in 1997 to about 4,000 in 2009. The committee agrees that the purpose of a criminal record annulment is to give the person a "fresh start," however there is further agreement that the practical effect of an annulment does not make the underlying facts disappear, nor should it prevent the dissemination of those facts. The bill will clarify which records are eligible for annulment, make the fact of an annulment a public document, and based upon the principles of our right-to-know law and court cases determined upon free speech, removes liability for disclosing the contents on annulled record in certain circumstances. Vote 16-0.

HB 103, requiring law enforcement agencies to take proper care of firearms seized pursuant to a domestic violence order for relief. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: The committee did not feel that HB 103 and testimony given required the change as this is already covered in RSA 173-B:5, (c) and (d). Vote 16-0.

HB 122, establishing a commission to study the effectiveness of the sex offender registry. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: The committee felt that a study of the sexual offender registry was not needed at this time. The current sexual offender registry, as now constituted, came in to effect on January 1, 2010, after a lengthy joint committee hearing that made changes to the sexual offender registry in order for New Hampshire to come in to compliance with the federal "Adam Walsh Act." Vote 14-0.

HB 177, relative to the probation and parole status of offenders in motor vehicle records. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason P. Antosz for Criminal Justice and Public Safety: The committee voted to recommend "ITL" on this bill at the request of the sponsor. Vote 14-0.

HB 307, relative to the authority of the superintendent of a county correctional facility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Warden for Criminal Justice and Public Safety: The committee felt that this bill has the potential to reduce a burden on the court system by allowing the superintendent – in addition to the court – to recommend release to a work program, or home confinement. Vote 14-0.

Amendment (0188h)

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill permits the superintendent of the county correctional facility to recommend a prisoner for release in order to obtain gainful employment, perform uncompensated public service, or serve the sentence under home confinement.

HB 308, relative to the authority of the superintendent of a county correctional facility to order the removal or transfer of prisoners. **INEXPEDIENT TO LEGISLATE.**

Rep. Robbie L. Parsons for Criminal Justice and Public Safety: Sponsor requested to ITL based on another bill similar, HB 115. Vote 14-0.

HB 433-FN-A, relative to the exhumation and testing of victims of the so-called Connecticut River Killer and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: The sponsor requested ITL because he realizes that the funding for the cold case unit might not be able to cover the extra expense that would be incurred by the unit. Vote 13-0.

HB 473-FN, relative to fees added to the late payment of fees to bail commissioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety: The committee agreed that there is not a significant problem with the current system, and the proposed legislation would add additional bureaucracy and cost to the court system. Vote 13-0.

HB 615, creating a database of New Hampshire grown genetically modified crops. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura J. Gandia for Environment and Agriculture: The sponsor of this bill requested that the committee issue a recommendation of ITL because the supporters of this bill were unable to appear and testify. Vote 18-0.

HB 326-FN-L, eliminating the automatic continuation requirement for public employee collective bargaining agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill was the same as SB 1, the evergreen bill. The committee chose to use SB 1 as the vehicle for bringing this issue to the full House. This bill then is not needed. Vote 17-0.

HB 585, proclaiming the third Friday in October as New Hampshire history day. **OUGHT TO PASS.**

Rep. Timothy P. Comerford for Legislative Administration: Our state is steeped in tradition and is rich in history. The first shots of the Revolution were actually fired here. New Hampshire has been the cradle of liberty ever since the adoption of its first in the nation Bill of Rights. Thomas Jefferson said that the price of liberty is eternal vigilance, and this includes having a citizenry that is properly cognizant of its history and traditions. Vote 15-0.

HB 54, relative to service in a qualifying war or conflict for purposes of the veterans property tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Coffey for Municipal and County Government: This bill would allow a person with as little as one day of service during a qualifying period to receive the veteran's tax credit. The present 90 day standard has been in place for decades and is a well recognized standard. Passage of this bill could lead to increased veteran's tax credits which would raise the municipal property tax rate. Vote 15-0.

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip L. Munck for Municipal and County Government: This bill gives formal authority to superintendents of county departments of corrections to transfer prisoners for emergency or public safety purposes without specific prior approval of the county commissioners which would require a posted meeting to comply with RSA 91-A. Review of such transfers would be made by the commissioners at their next regular meeting. Vote 16-0.

Amendment (0148h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Removal of Prisoners for Public Safety or Emergency Reasons or Because of Epidemic or Repairs to Facility. Amend RSA 30-B:22 to read as follows:

30-B:22 Removal of Prisoners *for Public Safety or Emergency Reasons or* Because of Epidemic or Repairs to Facility.

I. Whenever the prevalence of disease, or the rebuilding or repairing of a correctional facility or for other cause, the [~~county commissioners~~] *superintendent of the county department of corrections* shall think it expedient that the prisoners be removed therefrom, the county commissioners may authorize the superintendent to remove the prisoners to some other facility in the same or another county location, there to be detained, in the same manner and by the same process as in the correctional facility from which they were so removed, until removed by similar process or discharged according to law.

II. The superintendent may remove a prisoner, without the approval of the county commissioners, if the superintendent determines the removal is necessary for public safety or emergency reasons. The county commissioners shall review any such removal at their next regular meeting. If the county commissioners reject the removal, the prisoner shall be returned to the facility from which the prisoner came as soon as practicable.

3 Department of Corrections; Powers and Duties of Commissioner. Amend RSA 21-H:8, VI to read as follows:

VI. The commissioner may enter into contracts with the state's counties, the governments of other states, and the federal government, and appropriate private agencies or facilities and make proper and necessary arrangements with them for the transfer and reception of inmates and allow transfers to state prisons of any person. Any person who is confined awaiting trial on a felony charge may be transferred to the state prison from the county correctional facility, upon the recommendation of the superintendent of the county department of corrections, and with the approval of the county commissioners of said county. **The superintendent may transfer a prisoner, without the approval of the county commissioners, if the superintendent determines the transfer is necessary for public safety or emergency reasons. The county commissioners shall review any such transfer at their next regular meeting. If the county commissioners reject the transfer, the prisoner shall be returned to the facility from which the prisoner came as soon as practicable.**

HB 226-FN-L, relative to identification of certain publicly owned vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin W. Sterling for Municipal and County Government: The intention of this bill was to amend RSA 261:92 to require all vehicles owned by any governmental subdivision to affix signage to the vehicle that was visible from 25 ft identifying the government agency to which it was registered. The committee was of the opinion that this would make a cost that was not funded and therefore was in violation of part I of article 28-A of the state constitution. Vote 16-0.

HB 204-FN, granting motor vehicles with special number plates for veterans toll-free use of the turnpike system. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: The committee has great respect and gratitude for the dedicated service of our veterans. There currently are a number of ways in which the State of New Hampshire honors its veterans and expresses its gratitude to them; however, granting this privilege would ignore other very worthy groups including those who have purple heart plates. Additionally, this bill would reduce state revenues by more than \$500,000 annually. Vote 15-0.

HB 363-L, relative to Depot Street in the town of Andover. **OUGHT TO PASS.**

Rep. David B. Campbell for Public Works and Highways: As a result of the rerouting of a section of NH Route 4 in Andover, NH department of transportation (DOT) was prepared to abandon approximately 1200 feet of state road. The Town of Andover has voted to assume ownership and maintenance of this 1200 foot section of road. This bill reclassifies this portion of road from Class I (state road) to Class V (municipal road). Vote 14-0.

HB 266-FN, relative to the submission of plans for sewage and waste disposal systems. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter S. Bolster for Resources, Recreation and Development: The bill seeks to allow replacement of septic systems in residences built before 1989 without waiver from the department of environmental services (DES) in spite of the number of bedrooms. The committee felt that this is not appropriate and that septic replacement should be based on current assessing records. All new septic systems should be built appropriately to the soil conditions and the present residence capacity. Vote 15-0.

HJR 1, directing the department of transportation and the department of environmental services to study the prevention of further erosion of the east bank of the Exeter River. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie P. Pettengill for Resources, Recreation and Development: This resolution would direct the department of transportation (DOT) and the department of environmental services (DES) to study the prevention of further erosion of the east bank of the Exeter River. The sponsor alleges that a bridge built ten years ago by the town in conjunction with the DOT, shifted the erosion from one bank of the river to the other bank, causing damage to the property of a local business. The spon-

sor feels the engineering design was faulty. The DOT maintains that the town is the primary entity constructing the bridge and that the engineer was hired and supervised by the town. The committee heard testimony from DES that there are many factors that could contribute to bank erosion, including the flooding of recent years. Conspicuously absent was testimony from the town and from the property owner. This resolution is really asking the committee to adjudicate a liability dispute. We are not equipped to do that and thus cannot grant what the resolution requests. It should be noted, however, that DES did volunteer to meet with town officials should they request it. Vote 15-0.

HB 302-FN, modifying the laws relative to renewable energy portfolios. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurence M. Rappaport for Science, Technology and Energy: The committee felt that this bill may be premature, and will take a second look at the renewable portfolio standard (RPS) in cooperation with the 2011 RPS review currently being conducted at the Public Utilities Commission. Vote 15-0.

HCR 7, urging Congress to expedite the entry of political dissidents from Iraq and Afghanistan to the United States. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne F. Blankenbeker for State-Federal Relations and Veterans Affairs: While this is a nice, feel-good resolution, our federal government already has provisions for a process to do what this resolution proposes. Furthermore, this resolution would call for head-of-the-line privileges for entry into the U.S. by political and religious dissidents. Some of these dissidents may have various religions and political beliefs and factions that may have adverse intentions against our nation. Vote 10-1.

HB 83, relative to vessel registration. **OUGHT TO PASS.**

Rep. John R. Cloutier for Transportation: This bill simply adds language to New Hampshire RSA 270-E:3, and requires any vessel, capable of being propelled by a motor, to be registered as required under current law, even if the vessel is just to be put or placed in state waters. Such waters include tidal, coastal and inland waters. Current law solely requires registration for the above described vessels operating in these waters. This bill is at the request of the department of safety. Vote 10-1. Referred to the Committee on Ways and Means.

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John R. Cloutier for Transportation: This bill, as amended, has four provisions. First, it would transfer responsibility for road toll administration and enforcement of the international fuel tax agreement from the division of motor vehicles to the division of administration, and makes the division of administration responsible for the international registration plan. Second, it would transfer the road toll administrator position from the motor vehicles to administration division. Third, it would transfer responsibility for hazardous waste transport and truck weight enforcement from the motor vehicles to state police division. Fourth, it would direct the safety division rather than the administration to provide clerical support to the fire control advisory board. The amendment simply inserts the word "international" before the phrase "fuel tax agreement." This bill is at the request of the department of safety. Vote 12-0.

Amendment (0071h)

Amend RSA 21-P:6, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. Collection of fuel taxes and administration of road tolls, the international fuel tax agreement, and the international registration plan under RSA 260.

HB 68, establishing a committee to study reducing the rate of the interest and dividends tax for New Hampshire residents over 65 years of age. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F. Abrami for Ways and Means: The committee had concern that the word "rate" might not pass constitutional scrutiny because it implies different rates for different groups of citizens. Our concern was sent to house legal counsel for opinion. The reply from counsel was that, "it is likely that the New Hampshire Supreme Court would rule that such legislation is unconstitutional on the grounds that, by imposing different interest and dividends tax rates on taxpayers over 65 years old and tax payers under 65 years old, the legislation classifies taxpayers for purposes of taxation, which

the court has ruled is unconstitutional.” With that opinion, the committee unanimously decided that it would be prudent not to move a bill forward that would be in conflict with the New Hampshire Constitution. Vote 20-0.

HB 215-FN-A, establishing a credit for gambling losses against the tax on gambling winnings. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill Ohm for Ways and Means: The prime sponsor recommends ITL as he prefers passage of HB 229-FN-A (repealing the tax on gambling winnings) or HB 201-FN-A (deductions of gambling losses). HB 201 is essentially similar to this bill. Vote 18-0.

REGULAR CALENDAR

HB 125-FN, relative to lawful commerce in firearms, including manufacture and sale, in New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Joshua C. Davenport for the Majority of Constitutional Review and Statutory Recodification: This bill exempts firearms, fire arm accessories, and ammunition manufactured in New Hampshire from federal law and regulation. Testimony emphasized the importance of commerce clause limitations on federal power. The US Republic has internal checks and balances. For example, the legislative and executive branches are granted separate powers in order to keep each in check. If an organ of the executive attempts to overreach, the legislature, controlling the purse strings, may defund the organ. This primary check on power is internal to how the two branches are connected, and does not rely on the 3rd branch, the courts, for effectiveness. In the same manner, power is divided between the states and the central government. The commerce clause grants to the central government the right to regulate trade between states. As the central government attempts to over extend its power by regulating intra-state trade, it is up to the states to check that usurpation. States exercise this primary check by defending their own intra-state regulatory domain. This method of checking federal power was advocated by the authors of the constitution and has a long history of use: the state of NH previously removed the coast guard from Lake Winnepesaukee, because regulation of that space belongs to the people of NH. HB 125 is well within the historical norm for this mechanism and ought to pass. The people of NH chose to be their own masters. Vote 8-4.
Rep. Gary B. Richardson for the Minority of Constitutional Review and Statutory Recodification: This bill would make a state or federal official, who enforced a lawful federal regulation, guilty of a misdemeanor or felony. This bill is in direct conflict with the National Firearms Act and is clearly unconstitutional.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Gary Richardson spoke against and yielded to questions.

Rep. Davenport spoke in favor and yielded to questions.

Rep. Cohn requested a roll call; sufficiently seconded.

YEAS 240 NAYS 120

YEAS 240

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Russell, David	Simpson, Tyler	Swinford, Elaine	Tilton, Franklin
Tobin, William	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman	

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr			

COOS

Daugherty, Duffy

Rappaport, Laurence

Tremblay, Marc

GRAFTONBradley, Lester
Gionet, Edmond
Sova, CharlesBrosseau, Charles
Ingbreton, PaulBulis, Lyle
Simard, PaulEaton, Stephanie
Sorg, Gregory**HILLSBOROUGH**Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Krasucki, Joseph
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan
Whitehead, RandallBalboni, Michael
Belanger, James
Brown, Kevin
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scontsas, Lisa
Soucy, Connie
Summers, James
Vaillancourt, Steve
Willette, RobertBall, J. Michael
Belvin, William
Burt, John
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Villeneuve, MoeBarry, J. Gail
Bergevin, Jerry
Buxton, Michael
Coffey, James
Day, Russell
Erickson, Duane
Gimas, John
Haefner, Robert
Hikel, John
Hopper, Gary
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Warden, Mark**MERRIMACK**Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Sanborn, LaurieCoffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. BrianCohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, ToddCox, Sean
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Winter, Steven**ROCKINGHAM**Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Fesh, Robert
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, KennethAllen, Mary
Bates, David
Charron, Gene
Duarte, Joe
Garcia, Marilinda
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, GaryAntosz, Jason
Bettencourt, David
Chirichiello, Brian
Elliott, Robert
Griffin, Mary
Itse, Daniel
Lundgren, David
Mauro, Donna
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapienza, Marie
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, JamesAzarian, Gary
Birdsell, Regina
Comerford, Timothy
Ferrante, Beverly
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Newton, Clifford
Pitre, Joseph

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Carol

Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 120**BELKNAP**

Bolster, Peter

Millham, Alida

Pillioid, James

St. Cyr, Jeffrey

CARROLL

Scala, Dino

Umberger, Karen

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Lerandeau, Alfred
Sad, Tara

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Hawkes, Samuel
Meador, David
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Remick, William

Richardson, Herbert

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David
Taylor, Kathleen

Almy, Susan
Ladd, Rick Jr
Reilly, Harold Sr
Townsend, Charles

Cooney, Mary
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gidge, Kenneth
Infantine, William
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara

Brownrigg, Randall Jr
Drisko, Richard
Goley, Jeffrey
Jeudy, Jean
Long, Patrick
Ramsey, Peter
Sullivan, Daniel

Brunelle, Michael
Fredette, Robert
Gorman, Mary
Katsiantonis, Thomas
Moran, Edward
Rokas, Theodoros
Terrio, Ross

Campbell, David
Garrity, Patrick
Hutchinson, Winfred
Kurk, Neal
Pilotte, Maurice
Rosenwald, Cindy
Thomas, Joseph

MERRIMACK

Deloge, Helen
Hamm, Christine
Owen, Derek
Rice, Chip
Watrous, Rick

DeStefano, Stephen
Kidder, David
Palfrey, David
Richardson, Gary
Williams, Robert

Frazer, June
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen

Gile, Mary
MacKay, James
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Dowling, Patricia
Moody, Marcia
Pantelakos, Laura
Serlin, Christopher

Case, Frank
Garrity, James
Murphy, Brian
Powers, James

Copeland, Timothy
Gould, Kenneth
Nevins, Chris
Read, Robin Jr

DiPentima, Rich
Lovejoy, Patricia
Norelli, Terie
Schlachman, Donna

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter
Wall, Janet

Domingo, Baldwin
Horrigan, Timothy
Spainhower, Dale
Watters, David

Grassie, Anne
Keans, Sandra
Spang, Judith

Hofemann, Roland
Roberts, Jenna
Sprague, Dale

SULLIVAN

Gagnon, Raymond
and the majority committee report was adopted.
Referred to the Committee on Commerce and Consumer Affairs.

Lefebvre, Benjamin

Schmidt, Andrew

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled Senate Bill numbered 11.

Rep. Kidder, Sen. Bradley for the Committee

REGULAR CALENDAR (CONT'D)

HB 110, requiring professional safety and security services personnel to report certain criminal offenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for the Majority of Criminal Justice and Public Safety: This bill requires college security personnel who have observed a felony, or had a felony revealed to them, to report that felony to their closet law enforcement agency. The bill, as amended, has an exception to the notification requirement: if the victim is 18 or older, has been the victim of a sexual assault offense or abuse as defined in RSA 173-B:1, and if the victim objects to the release of any information to the local law enforcement agency. Currently on some New Hampshire campuses not all felonies are reported. They are handled administratively by the school. Local law enforcements are never notified of these felonious crimes. Furthermore, the sub-committee on this bill was informed by one police chief that the college in his community was sometimes less then helpful in assisting felony investigations. The committee felt that there is a long held New Hampshire belief in the premise of "equal justice under the law" that there should not be one legal standard for NH citizens and another for college students. Vote 14-2.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: The minority feels that this bill creates new regulations where none are needed. The bill would tie the hands of colleges and universities to deal with discipline on campus in the way they deem best. Requiring a college to report victimless crimes, even where there is no complainant, could lead to needlessly harming the futures of young people by tagging them with criminal records. This new level of bureaucracy will further hamper law enforcement efforts on colleges and universities.

Majority Amendment (0133h)

Amend the bill by replacing all after the enacting clause with the following:

1 Detective Agencies and Security Services; Exceptions. Amend RSA 106-F:2, IV to read as follows:

IV. Any unarmed security employee who is a direct employee of a business which is not a security guard agency and who is employed by that business to secure its premises while so employed, including but not limited to store ~~[detective]~~ *detectives* and watchmen. ***This exclusion shall not apply to any security guard or security guard service furnished by a college or university operating in the state of New Hampshire.***

2 Detective Agencies and Security Services; Definitions. Amend RSA 106-F:4, XIV to read as follows:

XIV. "Security guard service" or "*security guard agency*" means any business entity, except as provided in RSA 106-F:2, that furnishes or employs security guards or other persons for the protection of individuals or their property from injury or theft and includes, but is not limited to, services providing for the safe transport of money or valuable documents and security patrols of homes, businesses, *colleges, universities, or other postsecondary educational institutions*, or industrial plants. Such service may use the terms "security," "safety," "control" or like terms leading the public to look to the individual as a person of authority. A person engaged in so-called "executive protection" or providing body guard services shall be classified as a security guard.

3 Detective Agencies and Security Services; License Required. Amend RSA 106-F:5, I to read as follows:

I. No person shall engage in the business of a private investigative agency, security guard agency, or bail enforcement agency without obtaining a private investigative, security guard, or bail enforcement agency license from the commissioner of safety and no person shall engage in the business of a security guard service or bail enforcement service without obtaining a security guard service or bail enforcement service license from the commissioner of safety. ***The license requirement set forth in this paragraph shall not apply to security guards or security guard services furnished by a college or university operating in the state of New Hampshire.***

4 Detective Agencies and Security Services; Obligation to Report Certain Criminal Violations. Amend RSA 106-F:13-a, I to read as follows:

I. All felonies observed or revealed by or to persons licensed under this chapter, ***or to any security guard or security guard service furnished by a college or university operating in the state of New Hampshire,*** shall be immediately reported to the New Hampshire state police, the closest law enforcement agency having jurisdiction, or the attorney general's office, ***unless the victim:***

(a) ***Is 18 years of age or older;***

(b) ***Has been the victim of a sexual assault offense or abuse as defined in RSA 173-B:1;***

and

(c) ***Objects to the release of any information to the local law enforcement agency.***

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires security guards and security guard services furnished by a college or university operating in the state of New Hampshire to report felonies to law enforcement officials. The bill exempts security guards or security guard services furnished by a college or university operating in New Hampshire from the licensing requirements of RSA 106-F.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

The House recessed at 12:05 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 1:05 p.m.

REGULAR CALENDAR (CONT'D)

HB 84, establishing a statutory commission on motor vehicle recycling issues. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. David Knox for the Majority of Environment and Agriculture: Each year over 150 motor vehicle salvage yards are dismantling end of life vehicles for reuse of parts and recycling of scrap material. Some of these yards are poorly operated and contaminate the environment. A previous study commission has brought the stakeholders of the industry and the various state departments together to work on solutions, but problems still exist, and the bill would have this work continue through the creation of a statutory commission. The department of environmental services and the department of transportation support the passage of this bill as do the Auto and Truck Recyclers Association of New Hampshire and other representatives of the industry. Vote 10-7.

Rep. Guy Comtois for the Minority of Environment and Agriculture: The auto recycling industry is "well" regulated. We don't need another commission to study regulations, unless the goal is to deregulate.

Majority Amendment (0113h)

Amend section 3 of the bill by replacing paragraph I with the following:

I. Section 2 of this act shall take effect November 1, 2013.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Peter Schmidt spoke in favor.

Rep. Dan McGuire spoke against and requested a roll call; sufficiently seconded.

YEAS 121 NAYS 237**YEAS 121
BELKNAP**

Millham, Alida

Pilliod, James

CARROLL

Babson, David Jr

Umberger, Karen

CHESHIRECarr, Daniel
Hawkes, Samuel
Meador, David
Weber, LucyChase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weed, CharlesDwinell, Richard
Lerandeau, Alfred
Sad, TaraEmerson, Susan
Lindsey, Steven
Tatro, Bruce**COOS**

Coulombe, Gary

Theberge, Robert

Thomas, Yvonne

GRAFTONAguiar, James
Harding, Laurie
Taylor, KathleenAlmy, Susan
Pastor, Beatriz
Townsend, CharlesCooney, Mary
Reilly, Harold Sr
White, AndrewGould, Franklin
Smith, Suzanne**HILLSBOROUGH**Baroody, Benjamin
Coffey, James
Flanagan, Jack
Gidge, Kenneth
Haefner, Robert
Levasseur, Nickolas
Pilotte, Maurice
Rosenwald, CindyBelvin, William
Cote, David
Fredette, Robert
Gimas, John
Hansen, Peter
Long, Patrick
Porter, Marjorie
Shaw, BarbaraBrunelle, Michael
Day, Russell
Gagne, Larry
Goley, Jeffrey
Jeudy, Jean
Messier, Irene
Proulx, Mark
Sullivan, DanielChristensen, D.L. Chris
Donovan, Daniel
Garrity, Patrick
Gorman, Mary
Katsiantonis, Thomas
Parison, James
Rokas, Theodoros
Terrio, Ross**MERRIMACK**Deloge, Helen
Hamm, Christine
MacKay, James
Potter, Frances
Wallner, Mary JaneFoosse, Robert
Kidder, David
McDonnell, John
Rice, Chip
Watrous, RickFrazer, June
Lindsley, Mark
Owen, Derek
Richardson, Gary
Williams, RobertGile, Mary
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen**ROCKINGHAM**Allen, Mary
Lovejoy, Patricia
Norelli, Terie
Peckham, Michele
Schlachman, DonnaCali-Pitts, Jacqueline
McMahon, Charles
O'Connor, John
Powers, James
Serlin, ChristopherDiPentima, Rich
Moody, Marcia
Packard, Sherman
Read, Robin JrGould, Kenneth
Murphy, Brian
Pantelakos, Laura
Sapareto, Frank**STRAFFORD**Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, JudithDomingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, DaleGrassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, JanetHofemann, Roland
Munck, Philip
Spainhower, Dale
Watters, David**SULLIVAN**

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 237**BELKNAP**Accornero, Harry
Flanders, DonaldBolster, Peter
Greemore, RobertComtois, Guy
Luther, RobertFields, Dennis
Malone, Robert

Russell, David
Tilton, Franklin

Simpson, Tyler
Tobin, William

St. Cyr, Jeffrey
Worsman, Colette

Swinford, Elaine

CARROLL

Ahlgren, Christopher
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie

McConkey, Mark
Scala, Dino

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Moore, Charles

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Sova, Charles

Brosseau, Charles
Shackett, Jeffrey

Bulis, Lyle
Simard, Paul

Eaton, Stephanie
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Cebrowski, John
Daniels, Gary
Erickson, Duane
Graham, John
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pepino, Leo
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Christiansen, Lars
DeJong, Cameron
Gandia, Laura
Greazzo, Phil
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Scoutsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Bergevin, Jerry
Burt, John
Condra, William
Doherty, Shaun
Gargas, Carolyn
Hardwick, Harry
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Cusson-Cail, Kathleen
Drisko, Richard
Gonzalez, Carlos
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Keane, Thomas
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hess, David
Kotowski, Frank
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hill, Gregory
Kreis, Kenneth Sr
Palfrey, David
Seaworth, G. Brian
Winter, Steven

DeStefano, Stephen
Hoell, J.R.
Lauer-Rago, Kathleen
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoeizel, Kathleen

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel

Kappler, Lawrence
 MacMahon, Bruce
 McKinney, Betsy
 Perkins, Lawrence
 Reichard, Kevin
 Sapienza, Marie
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

Katsakiores, Phyllis
 Major, Norman
 Nevins, Chris
 Quandt, Marshall
 Rice, Frederick
 Schroadter, Adam
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

Kolodziej, Walter
 Manuse, Andrew
 Okerman, Richard
 Quandt, Matt
 Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Lundgren, David
 Mauro, Donna
 Perkins, Amy
 Reagan, John
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin
 Wheaton, Gary

STRAFFORD

Andolina, Donald
 Jones, Kyle
 O'Connor, William
 Vita, Carol

Cataldo, Sam
 Jones, Laura
 Panek, William
 Vita, Lucien

DeLemus, Susan
 Leonard, Frederick Jr
 Parsons, Robbie
 Weeden, Michael

Groen, Warren
 Newton, Clifford
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

and the majority committee report failed.

Rep. Jasper moved Inexpedient to Legislate.

On a division vote, 260 members having voted in the affirmative and 101 in the negative, the motion was adopted.

HB 60-FN-L*, repealing the moratorium on school building aid projects. **INEXPEDIENT TO LEGISLATE.*

Rep. William B. Smith for Finance: The committee felt that the current budget situation is highly unlikely to provide the opportunity to remove the moratorium on school building aid in the next biennium. Further study may be needed to address long term issues, but this bill does not provide the basis for such study. Vote 25-0.

Committee report adopted.

HB 113*, prohibiting the university system of New Hampshire from using state appropriations to fund public television. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Karen C. Umberger for Finance: This bill with amendment eliminates any state general funds from being provided to New Hampshire Public Television. The university system had been providing general fund money to support New Hampshire Public Television. The committee believed this was not the proper way to spend taxpayer dollars. Vote 19-6.

Amendment (0243h)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting the use of state funds for New Hampshire public television.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Budget and Appropriations; Funding Limitation. Amend RSA 9 by inserting after section 17-f the following new section:

9:17-g Funding for Public Television Prohibited. No state general funds shall be appropriated or expended for the purpose of funding New Hampshire public television.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits the use of state general funds for New Hampshire public television.
 Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
 Rep. Cohn requested a roll call; sufficiently seconded.

YEAS 263 NAYS 102**YEAS 263****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Swinford, Elaine

Bolster, Peter
Greemore, Robert
Pilliod, James
Tilton, Franklin

Comtois, Guy
Kingsbury, Robert
Russell, David
Tobin, William

Fields, Dennis
Luther, Robert
Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

McConkey, Mark
Scala, Dino

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

Remick, William
Tremblay, Marc

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Simard, Paul

Brosseau, Charles
Ingbreton, Paul
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Eaton, Stephanie
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
Day, Russell
Erickson, Duane
Gandia, Laura
Graazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Flanagan, Jack
Gimas, John
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Levasseur, Nickolas
McGuinness, Sean
Murphy, Keith
Palmer, Barry
Pepino, Leo
Robbins, David
Shaw, Barbara
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Parison, James
Proulx, Mark
Scontsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank

Cohn, Seth
Hill, Gregory
Kreiss, Kenneth Sr

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark

McDonnell, John
Reed, Dennis
Smith, Molly

McGuire, Carol
Richardson, Jon
Smith, Todd

McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Antosz, Jason
Bettencourt, David
Cormerford, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Newton, Clifford
Pitre, Joseph

DeLemus, Susan
Keans, Sandra
O'Connor, William
Vita, Carol

Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 102

BELKNAP

Millham, Alida

St. Cyr, Jeffrey

CARROLL

Babson, David Jr

CHESHIRE

Carr, Daniel
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Meader, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

Lerandeau, Alfred
Sad, Tara

COOS

Coulombe, Gary

Hatch, William

Thomas, Yvonne

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David
White, Andrew

Almy, Susan
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

Gould, Franklin
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn

Brunelle, Michael
Garrity, Patrick

Cote, David
Gidge, Kenneth

Drisko, Richard
Goley, Jeffrey

Gorman, Mary
Pilotte, Maurice
Sullivan, Daniel

Judy, Jean
Porter, Marjorie

Katsiantonis, Thomas
Rokas, Theodoros

Long, Patrick
Rosenwald, Cindy

MERRIMACK

Deloge, Helen
Gile, Mary
MacKay, James
Rice, Chip
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary
Williams, Robert

Foose, Robert
Kidder, David
Patten, Dick
Shurtleff, Stephen

Frazer, June
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
DiPentima, Rich
Murphy, Brian
Read, Robin Jr
Serlin, Christopher

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Norelli, Terie
Sapienza, Marie
Waddell, James

Case, Frank
MacMahon, Bruce
Pantelakos, Laura
Schlachman, Donna

Charron, Gene
Moody, Marcia
Powers, James
Schroadter, Adam

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter
Wall, Janet

Domingo, Baldwin
Horrigan, Timothy
Spainhower, Dale
Watters, David

Grassie, Anne
Pelletier, Marsha
Spang, Judith

Hofemann, Roland
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the committee report was adopted and ordered to third reading.

HB 185-FN, relative to determining bargaining units for purposes of public employee collective bargaining. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Kevin P. Sullivan for the Majority of Labor, Industrial and Rehabilitative Services: It is the sense of the committee that it can be burdensome to towns to negotiate with groups smaller than ten. It was reported that when previous versions of this legislation were put forth, it was for the purpose of being eligible to join the state retirement system. It was brought up today that it was not the case. Hence, the committee feels it is no longer necessary to allow formation of units less than ten. Vote 13-4.

Rep. Jeffrey P. Goley for the Minority of Labor, Industrial and Rehabilitative Services: This legislation takes away the ability of a city or town governing body to recognize a public sector bargaining unit of less than ten. It no longer allows the governing body the decision that it feels may be in the best interest of its community. It takes away local control.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Goley offered floor amendment (0325h).

Floor Amendment (0325h)

Amend RSA 273-A:8, I as inserted by section 1 of the bill by replacing it with the following:

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-A:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

- (a) Employees with the same conditions of employment;
- (b) Employees with a history of workable and acceptable collective negotiations;
- (c) Employees in the same historic craft or profession;
- (d) Employees functioning within the same organizational unit.

A public employer may recognize a bargaining unit with 3-10 members, but in no case shall the board certify a bargaining unit of fewer than 10 employees with the same community of interest

without the prior approval of the [governing] *legislative* body of the public employer. For purposes of this section, probationary employees shall be counted to satisfy the employee minimum number requirement. In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit.

AMENDED ANALYSIS

This bill requires the legislative body of a public employer to give prior approval for certification of a bargaining unit of fewer than 10 employees.

Reps. Goley and Daniels spoke in favor.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 314 NAYS 52

YEAS 314

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Pilliod, James	Russell, David	Simpson, Tyler
St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin	Tobin, William

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	Morrow, Harry	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

Carr, Daniel	Chase, Cynthia	Dwinell, Richard	Emerson, Susan
Hawkes, Samuel	Johnson, Jane	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Moore, Charles	Moore, Robert Jr	Parkhurst, Henry
Sad, Tara	Smith, Edwin	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Hatch, William	Rappaport, Laurence	Remick, William
Richardson, Herbert	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne
Tremblay, Marc			

GRAFTON

Aguiar, James	Almy, Susan	Bradley, Lester	Bulis, Lyle
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Gould, Franklin
Harding, Laurie	Ingbretson, Paul	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Reilly, Harold Sr	Shackett, Jeffrey
Smith, Suzanne	Sorg, Gregory	Sova, Charles	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Baroody, Benjamin
Barry, J. Gail	Barry, Richard	Belanger, James	Belvin, William
Brown, Kevin	Brownrigg, Randall Jr	Brunelle, Michael	Burt, John
Buxton, Michael	Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Condra, William	Cote, David	Cusson-Cail, Kathleen
Daniels, Gary	Day, Russell	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Gagne, Larry	Gandia, Laura	Gargasz, Carolyn	Garrity, Patrick
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hikel, John	Hinch, Richard	Hogan, Edith

Holden, Frank
Katsiantonis, Thomas
Levasseur, Nickolas
McClarren, Donald
Notter, Jeanine
Parison, James
Porter, Marjorie
Robbins, David
Scoutsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Terrio, Ross
Villeneuve, Moe

Hopper, Gary
Krasucki, Joseph
Long, Patrick
McGuinness, Sean
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Rokas, Theodoros
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Thomas, Joseph
Warden, Mark

Infantine, William
Lambert, George
Maltz, Jonathan
Mecheski, Holly
Palmer, Barry
Pepino, Leo
Proulx, Mark
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Summers, James
Twombly, Timothy
Whitehead, Randall

Jeudy, Jean
LeBrun, Donald
McCarthy, Michael
Murphy, Keith
Palmer, Stephen
Pilotte, Maurice
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Hamm, Christine
Kidder, David
MacKay, James
Palfrey, David
Rice, Chip
Smith, Molly
Watrous, Rick

Cox, Sean
Frazer, June
Hess, David
Kotowski, Frank
McDonnell, John
Patten, Dick
Richardson, Gary
Smith, Todd
Williams, Robert

Deloge, Helen
Gile, Mary
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Potter, Frances
Richardson, Jon
Soltani, Tony
Winter, Steven

DeStefano, Stephen
Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Owen, Derek
Reed, Dennis
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Copeland, Timothy
Elliott, Robert
Griffin, Mary
Katsakiores, Phyllis
MacMahon, Bruce
McMahon, Charles
Norelli, Terie
Pantelakos, Laura
Powers, James
Reagan, John
Sapienza, Marie
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Introne, Robert
Kolodziej, Walter
Major, Norman
Moody, Marcia
O'Connor, John
Peckham, Michele
Quandt, Marshall
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Sytek, John
Waddell, James
Welch, David

Azarian, Gary
Brown, Paul
Chirichiello, Brian
DiPentima, Rich
Garcia, Marilinda
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Murphy, Brian
Okerman, Richard
Perkins, Amy
Quandt, Matt
Ritter, Glenn
Sedensky, John
Smith, William
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Comerford, Timothy
Dowling, Patricia
Gould, Kenneth
Kappler, Lawrence
Lundgren, David
McKinney, Betsy
Nevins, Chris
Packard, Sherman
Perkins, Lawrence
Read, Robin Jr
Sapareto, Frank
Serlin, Christopher
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Panek, William
Schmidt, Peter
Vita, Carol
Weeden, Michael

Cataldo, Sam
Horrigan, Timothy
Munck, Philip
Parsons, Robbie
Spainhower, Dale
Vita, Lucien

Grassie, Anne
Jones, Kyle
Newton, Clifford
Pelletier, Marsha
Spang, Judith
Wall, Janet

Groen, Warren
Jones, Laura
O'Connor, William
Roberts, Jenna
Sprague, Dale
Watters, David

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Rodeschin, Beverly

Cloutier, John
Laware, Thomas
Schmidt, Andrew

Cunningham, Steven
Lefebvre, Benjamin
Smith, Steven

Gagnon, Raymond
Lovett, Charlene

**NAYS 52
BELKNAP**

Millham, Alida Worsman, Colette

CARROLL

McConkey, Mark

CHESHIRE

Byrnes, John Cartwright, Anne Hunt, John Sterling, Franklin Jr

COOS

Daugherty, Duffy

GRAFTON

Brosseau, Charles Simard, Paul

HILLSBOROUGH

Bergevin, Jerry	Boehm, Ralph	DeJong, Cameron	Hardwick, Harry
Hutchinson, Winfred	Jasper, Shawn	Kurk, Neal	Messier, Irene
Moran, Edward	Ober, Lynne	Ober, Russell III	Vaillancourt, Steve

MERRIMACK

Cohn, Seth	Hill, Gregory	Kreis, Kenneth Sr	Lockwood, Priscilla
McGuire, Carol	Sanborn, Laurie	Seaworth, G. Brian	

ROCKINGHAM

Allen, Mary	Birdsell, Regina	Devine, James	Duarte, Joe
Fesh, Robert	Garrity, James	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Manuse, Andrew	Reichard, Kevin	Sanders, Elisabeth
Schroadter, Adam	Tasker, Kyle	Wheaton, Gary	

STRAFFORD

Andolina, Donald	DeLemus, Susan	Domingo, Baldwin	Hooper, Dorothea
Leonard, Frederick Jr	Pitre, Joseph		

SULLIVAN

Howard, Thomas Osgood, Joe
and floor amendment (0325h) was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Daniels moved that the House reconsider its action whereby, on a roll call vote of 314-52, it adopted floor amendment (0325h) on **HB 185-FN**, relative to determining bargaining units for purposes of public employee collective bargaining.

Rep. Daniels spoke in favor.

On a division vote, 250 members having voted in the affirmative and 116 in the negative, the motion was adopted.

The question now being adoption of floor amendment (0325h).

Rep. Jasper spoke against.

Rep. Goley spoke in favor and requested a roll call; sufficiently seconded.

YEAS 118 NAYS 251

**YEAS 118
BELKNAP**

None

CARROLL

None

CHESHIRE

Carr, Daniel
Lerandeau, Alfred
Parkhurst, Henry
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Dwinell, Richard
Meador, David
Tatro, Bruce

Hawkes, Samuel
Moore, Robert Jr
Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguir, James
Harding, Laurie
Pierce, David
White, Andrew

Almy, Susan
Ingbertson, Paul
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

Gould, Franklin
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Gargas, Carolyn
Goley, Jeffrey
Katsiantonis, Thomas
McCarthy, Michael
Proulx, Mark
Sullivan, Daniel

Belanger, James
Coffey, James
Garrity, Patrick
Gorman, Mary
Levasseur, Nickolas
Pepino, Leo
Rokas, Theodoros

Brunelle, Michael
Cote, David
Gidge, Kenneth
Infantine, William
Long, Patrick
Pilotte, Maurice
Rosenwald, Cindy

Buxton, Michael
Gandia, Laura
Gimas, John
Judy, Jean
Maltz, Jonathan
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Soltani, Tony

Foose, Robert
MacKay, James
Rice, Chip
Wallner, Mary Jane

Frazer, June
Owen, Derek
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Bates, David
DiPentima, Rich
Norelli, Terie
Powers, James
Schlachman, Donna

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

Case, Frank
MacMahon, Bruce
Perkins, Amy
Quandt, Matt
Waddell, James

Chirichiello, Brian
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Webb, James

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith
Weeden, Michael

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

SULLIVAN

Bowers, Spec
Schmidt, Andrew

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

NAYS 251**BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Emerson, Susan
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Eaton, Stephanie
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Christensen, D.L. Chris
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Christiansen, Lars
Day, Russell
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Bergevin, Jerry
Burt, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Lambert, George
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
Messier, Irene
Ober, Lynne
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kidder, David
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Cox, Sean
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Charron, Gene
Devine, James
Ferrante, Beverly

Allen, Mary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Fesh, Robert

Antosz, Jason
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda

Azarian, Gary
Brown, Paul
Davenport, Joshua
Elliot, Robert
Garritty, James

Gould, Kenneth
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Manuse, Andrew
 Murphy, Brian
 Packard, Sherman
 Rice, Frederick
 Sapienza, Marie
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Weyler, Kenneth

Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Mauro, Donna
 Nevins, Chris
 Peckham, Michele
 Ritter, Glenn
 Schroadter, Adam
 Smith, William
 Tamburello, Daniel
 Ward, Joanne
 Wheaton, Gary

Hagan, Joseph
 Itse, Daniel
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Reagan, John
 Sanders, Elisabeth
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Waterhouse, Kevin

Headd, James
 Kappler, Lawrence
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Reichard, Kevin
 Sapareto, Frank
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Welch, David

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Newton, Clifford
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 O'Connor, William
 Vita, Carol

DeLemus, Susan
 Leonard, Frederick Jr
 Panek, William
 Vita, Lucien

Groen, Warren
 Munck, Philip
 Parsons, Robbie

SULLIVAN

Cunningham, Steven
 Lovett, Charlene
 and floor amendment (0325h) failed.

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

Laware, Thomas
 Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass.
 Majority committee report adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a voice vote, it adopted the majority committee report of Ought to Pass on **HB 113**, prohibiting the use of state funds for New Hampshire public television.
 Rep. Vaillancourt spoke against.

On a division vote, 94 members having voted in the affirmative and 273 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 474-FN, relative to freedom of choice on whether to join a labor union. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tammy A. Simmons for the Majority of Labor, Industrial and Rehabilitative Services: This bill increases personal freedoms and protects the rights of NH citizens by preventing an employer from terminating or otherwise discriminating against an employee because they choose to join or not join a labor union, or to pay dues, fees or other charges to a labor union. No other private organization in America insists on having the power to force membership on unwilling people except labor unions. New Hampshire would join 22 other Right to Work states – states that have experienced a 23% faster rise in per capita income than non-Right to Work states in the 30 years preceding 2007. HB 474 would make NH more economically competitive, allowing us to be better able to attract new jobs to our great state while at the same time protecting individual workers' freedoms. The amendment removes the unions' obligation to represent those public sector employees who are not members of the union. Vote 10-7.

Rep. Charles F. Weed for the Minority of Labor, Industrial and Rehabilitative Services: The bipartisan minority found several questions about which little information was provided. Specifically, will the changes made lead to requests by those leaving the union of the exclusive bargaining agent to demand minority bargaining units? Will affected employees in the public sector drop out when there are no problems and rejoin when they feel insecure or vulnerable? How will communities deal with budget issues if employees suddenly choose to rejoin the union in order to receive negotiated compensation and benefits? In other words, unresolved questions may lead to chaos in cities and towns. We also wondered why the majority of the committee discounted the super majority of those who testified against the bill, as well as those indicating that this was not a pressing need expressed by 2000 New Hampshire employers. Was right to work a solution looking for a problem?

Majority Amendment (0218h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join the employee organization.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 3 and 4, respectively:

2 New Paragraph; Obligation to Bargain. Amend RSA 273-A:3 by inserting after paragraph IV the following new paragraph:

V. The employee organization certified by the board as the exclusive representative of the bargaining unit shall not be required to represent employees who elect not to join the employee organization. A collective bargaining agreement reached under this chapter shall apply only to public employees in the bargaining unit who are members of the employee organization.

AMENDED ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join a labor union.

This bill also provides that no public employee labor organization shall be required to represent employees who elect not to join the employee organization.

Rep. Shurtleff spoke against.

Rep. Daniels spoke in favor and yielded to questions.

On a division vote, 240 members having voted in the affirmative and 110 in the negative, the majority committee amended was adopted.

Rep. Daniels offered floor amendment (0313h).

Floor Amendment (0313h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Paragraph; Obligation to Bargain. Amend RSA 273-A:3 by inserting after paragraph IV the following new paragraph:

V. The employee organization certified by the board as the exclusive representative of the bargaining unit shall not be required to represent employees who elect not to join or to pay dues or fees to the employee organization. A collective bargaining agreement reached under this chapter shall apply only to public employees in the bargaining unit who are members of, or who elect to pay dues or fees to, the employee organization.

AMENDED ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join a labor union.

This bill also provides that no public employee labor organization shall be required to represent employees who elect not to join or to pay dues or fees to the employee organization.

Rep. Daniels spoke in favor.

Floor amendment (0313h) adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Reps. Norelli, Long, Michael McCarthy, Gonzalez and Soltani spoke against.

Reps. Simmons and Bowers spoke in favor and yielded to questions.

Reps. Barody, Goley and Lee Quandt spoke against and yielded to questions.

Rep. Peter Schmidt requested a quorum call; the Speaker declared a quorum present.

Reps. Avard and Daniels spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 221 NAYS 131

YEAS 221

BELKNAP

Greemore, Robert
Swinford, Elaine

Kingsbury, Robert
Tilton, Franklin

Malone, Robert
Tobin, William

Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Burt, John
Coffey, James
DeJong, Cameron
Erickson, Duane
Graham, John
Hardwick, Harry
Hogan, Edith
Krasucki, Joseph
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Balboni, Michael
Belanger, James
Cebrowski, John
Condra, William
Doherty, Shaun
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Lambert, George
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Belvin, William
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Haefner, Robert
Hikel, John
Hutchinson, Winfred
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Parison, James
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Brown, Kevin
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew

Allen, Mary
Bates, David
Charron, Gene
Elliott, Robert
Griffin, Mary
Introne, Robert
Lundgren, David
Mauro, Donna

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian

Nevins, Chris
Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela

O'Connor, John
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Okerman, Richard
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Wheaton, Gary

Packard, Sherman
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 131

BELKNAP

Bolster, Peter
Russell, David

Luther, Robert
St. Cyr, Jeffrey

Millham, Alida

Pilliod, James

CARROLL

None

CHESHIRE

Carr, Daniel
Lerandeau, Alfred
Sad, Tara

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Dwinell, Richard
Meador, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

Gould, Franklin
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Gidge, Kenneth
Gorman, Mary
Levasseur, Nickolas
Palmer, Barry
Proulx, Mark
Shaw, Barbara

Brownrigg, Randall Jr
Cote, David
Gimas, John
Hopper, Gary
Long, Patrick
Pepino, Leo
Ramsey, Peter
Stroud, Kathleen

Brunelle, Michael
Day, Russell
Goley, Jeffrey
Judy, Jean
McCarthy, Michael
Pilotte, Maurice
Rokas, Theodoros
Sullivan, Daniel

Buxton, Michael
Garrity, Patrick
Gonzalez, Carlos
Katsiantonis, Thomas
Messier, Irene
Porter, Marjorie
Rosenwald, Cindy
Terrio, Ross

MERRIMACK

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Soltani, Tony

Frazer, June
MacKay, James
Rice, Chip
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Devine, James

Case, Frank
DiPentima, Rich

Chirichiello, Brian
Dowling, Patricia

Copeland, Timothy
Ferrante, Beverly

Gould, Kenneth
Moody, Marcia
Quandt, Marshall
Schlachman, Donna
Welch, David

Katsakiores, Phyllis
Norelli, Terie
Quandt, Matt
Serlin, Christopher

Lovejoy, Patricia
Pantelakos, Laura
Read, Robin Jr
Waddell, James

McKinney, Betsy
Powers, James
Sapareto, Frank
Webb, James

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

SPECIAL ORDERED

Without objection, the Speaker made the remaining bills on today's calendar Special Orders for Wednesday, February 16, 2011 in the their regular calendar order.

MOTION TO RECONSIDER

Rep. Gimas moved that the House reconsider its action whereby, on a roll call vote of 266-95 on February 9, 2011, the House adopted the motion of Ought to Pass on **HR 11**, affirming revenue estimates for fiscal years 2011, 2012, and 2013.

Reps. Gimas and Brunelle spoke in favor.

Rep. Stepanek spoke against.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 92 NAYS 259

YEAS 92

BELKNAP

None

CARROLL

None

CHESHIRE

Chase, Cynthia
Meader, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

Lerandeau, Alfred
Sad, Tara

Lindsey, Steven
Tatro, Bruce

COOS

Coulombe, Gary

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

Gould, Franklin
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Gorman, Mary
Long, Patrick
Rokas, Theodoros

Brunelle, Michael
Gidge, Kenneth
Jeady, Jean
Pilotte, Maurice
Rosenwald, Cindy

Campbell, David
Gimas, John
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

Cote, David
Goley, Jeffrey
Levasseur, Nickolas
Ramsey, Peter
Sullivan, Daniel

MERRIMACK

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Soltani, Tony

Foose, Robert
MacKay, James
Rice, Chip
Wallner, Mary Jane

Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Read, Robin Jr

Case, Frank
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 259**BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey

Brosseau, Charles
Ingretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brownrigg, Randall Jr
Christensen, D.L. Chris
Daniels, Gary
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank

Balboni, Michael
Belanger, James
Burt, John
Coffey, James
DeJong, Cameron
Erickson, Duane
Gargaszy, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary

Ball, J. Michael
Belvin, William
Buxton, Michael
Condra, William
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred

Barry, J. Gail
Brown, Kevin
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Krasucki, Joseph

Lambert, George
 McClarren, Donald
 Moran, Edward
 Ober, Russell III
 Parison, James
 Proulx, Mark
 Seidel, Carl
 Souza, Kathleen
 Swank, Matthew
 Ulery, Jordan
 Whitehead, Randall

LeBrun, Donald
 McGuinness, Sean
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Renzullo, Andrew
 Silva, Peter
 Stepanek, Stephen
 Terrio, Ross
 Vaillancourt, Steve
 Willette, Robert

Maltz, Jonathan
 Mecheski, Holly
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Rowe, Robert
 Simmons, Tammy
 Stroud, Kathleen
 Thomas, Joseph
 Villeneuve, Moe

McCarthy, Michael
 Messier, Irene
 Ober, Lynne
 Palmer, Stephen
 Pratt, Calvin
 Scotsas, Lisa
 Soucy, Connie
 Summers, James
 Twombly, Timothy
 Warden, Mark

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Keane, Thomas
 Lindsley, Mark
 McGuire, Dan
 Sanborn, Laurie
 Winter, Steven

Coffey, Jennifer
 Hess, David
 Kotowski, Frank
 Lockwood, Priscilla
 Palfrey, David
 Seaworth, G. Brian

Cohn, Seth
 Hill, Gregory
 Kreis, Kenneth Sr
 McDonnell, John
 Reed, Dennis
 Smith, Molly

Cox, Sean
 Hoell, J.R.
 Lauer-Rago, Kathleen
 McGuire, Carol
 Richardson, Jon
 Smith, Todd

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Copeland, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Hagan, Joseph
 Itse, Daniel
 Lundgren, David
 Mauro, Donna
 Nevins, Chris
 Peckham, Michele
 Rice, Frederick
 Schroadter, Adam
 Smith, William
 Tasker, Kyle
 Ward, Joanne
 Wheaton, Gary

Allen, Mary
 Bates, David
 Charron, Gene
 Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Headd, James
 Kappler, Lawrence
 MacMahon, Bruce
 McKinney, Betsy
 O'Connor, John
 Quandt, Marshall
 Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Webb, James

Antosz, Jason
 Bettencourt, David
 Chirichiello, Brian
 Devine, James
 Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Quandt, Matt
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tucker, Pamela
 Welch, David

Azarian, Gary
 Birdsall, Regina
 Comerford, Timothy
 Dowling, Patricia
 Fesh, Robert
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Manuse, Andrew
 Murphy, Brian
 Packard, Sherman
 Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Tamburello, Daniel
 Waddell, James
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Newton, Clifford
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 O'Connor, William
 Vita, Carol

DeLemus, Susan
 Leonard, Frederick Jr
 Panek, William
 Vita, Lucien

Groen, Warren
 Munck, Philip
 Parsons, Robbie
 Weeden, Michael

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven
 and the motion failed.

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

MOTION TO RECONSIDER

Rep. William Smith moved that the House reconsider its action whereby, on a roll call vote of 221-131, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 474-FN**, relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

Rep. William Smith spoke against and requested a roll call; sufficiently seconded.

YEAS 100 NAYS 248

YEAS 100 BELKNAP

Pilliod, James St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Chase, Cynthia	Dwinell, Richard	Hawkes, Samuel	Lerandeau, Alfred
Lindsey, Steven	Meador, David	Parkhurst, Henry	Sad, Tara
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Hatch, William	Theberge, Robert	Thomas, Yvonne
Tremblay, Marc			

GRAFTON

Aguiar, James	Almy, Susan	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Buxton, Michael	Campbell, David
Cote, David	Garrity, Patrick	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gorman, Mary	Katsiantonis, Thomas	McCarthy, Michael
Messier, Irene	Pilotte, Maurice	Porter, Marjorie	Proulx, Mark
Ramsey, Peter	Rokas, Theodoros	Rosenwald, Cindy	Shaw, Barbara
Stroud, Kathleen	Sullivan, Daniel		

MERRIMACK

Deloge, Helen	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Mackay, James	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	Chirichiello, Brian	Copeland, Timothy	DiPentima, Rich
Dowling, Patricia	Gould, Kenneth	Lovejoy, Patricia	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Powers, James	Quandt, Matt
Read, Robin Jr	Sapareto, Frank	Schlachman, Donna	Serlin, Christopher

STRAFFORD

Browne, Brendon	Domingo, Baldwin	Grassie, Anne	Hofemann, Roland
Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Pelletier, Marsha	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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NAYS 248 BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert

Malone, Robert
Swinford, Elaine

Millham, Alida
Tilton, Franklin

Russell, David
Tobin, William

Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brownrigg, Randall Jr
Coffey, James
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Uler, Jordan
Whitehead, Randall

Balboni, Michael
Belanger, James
Burt, John
Condra, William
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Long, Patrick
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belvin, William
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Krasucki, Joseph
Maltz, Jonathan
Moran, Edward
Ober, Russell III
Parison, James
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Brown, Kevin
Christensen, D.L. Chris
Daniels, Gary
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Ferrante, Beverly

Allen, Mary
Bates, David
Case, Frank
Devine, James
Fesh, Robert

Antosz, Jason
Bettencourt, David
Charron, Gene
Duarte, Joe
Garcia, Marilinda

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Elliott, Robert
Garritty, James

Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

Hagan, Joseph
Itse, Daniel
Lundgren, David
Mauro, Donna
Nevins, Chris
Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

Headd, James
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Marshall
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph
Wall, Janet

Cataldo, Sam
Jones, Laura
O'Connor, William
Roberts, Jenna
Watters, David

DeLemus, Susan
Leonard, Frederick Jr
Panek, William
Vita, Carol
Weeden, Michael

Groen, Warren
Munck, Philip
Parsons, Robbie
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and the motion failed.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 16, 2011 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 47, relative to inactive license status for real estate brokers and salespersons.

HB 61, relative to daylight saving time.

HB 174, relative to insurance coverage for court-ordered counseling in divorce proceedings.

HB 80, relative to ranks in the division of state police.

HB 82, relative to the annulment of criminal records.

HB 307, relative to the authority of the superintendent of a county correctional facility.

HB 585, proclaiming the third Friday in October as New Hampshire history day.

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility.

HB 363-L, relative to Depot Street in the town of Andover.

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control.

HB 110, requiring professional safety and security services personnel to report certain criminal offenses.

HB 113, prohibiting the use of state funds for New Hampshire public television.

HB 185-FN, relative to determining bargaining units for purposes of public employee collective bargaining.

HB 474-FN, relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 3:50 p.m.

RECESS**COMMITTEE ASSIGNMENTS**

The Speaker made the following changes to committee assignments:

Reps. Cohn and Willette on the Special Committee on Public Employee Pensions Reform.
Reps. Reagan and Blankenbeker off the Special Committee on Public Employee Pensions Reform.
Rep. Hawkins, Chairman of the Special Committee on Public Employee Pensions Reform.
Rep. Sedensky, Vice Chairman of the Special Committee on Public Employee Pensions Reform.
Rep. Bowers on the Special Committee on Redistricting.
Rep. Howard off the Special Committee on Redistricting.

RECESS**(Speaker O'Brien in the Chair)**

Rep. Tucker moved that the House adjourn.
Adopted.

COOS

Coulombe, Gary
Richardson, Herbert
Tremblay, Marc

Daugherty, Duffy
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Bulis, Lyle
Gould, Franklin
Mirski, Paul
Reilly, Harold Sr
Sorg, Gregory

Almy, Susan
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Shackett, Jeffrey
Sova, Charles

Bradley, Lester
Eaton, Stephanie
Ingbreton, Paul
Pastor, Beatriz
Simard, Paul
Taylor, Kathleen

Brosseau, Charles
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Smith, Suzanne
Townsend, Charles

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Bergevin, Jerry
Brunelle, Michael
Cebrowski, John
Cote, David
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Gidge, Kenneth
Gorman, Mary
Hardwick, Harry
Hogan, Edith
Infantine, William
Krasucki, Joseph
Long, Patrick
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Porter, Marjorie
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Barry, Richard
Boehm, Ralph
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Gimas, John
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Kurk, Neal
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Pratt, Calvin
Robbins, David
Scotsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belanger, James
Brown, Kevin
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Flanagan, Jack
Gargas, Carolyn
Goley, Jeffrey
Haefner, Robert
Hikel, John
Hopper, Gary
Judy, Jean
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Proulx, Mark
Rokas, Theodoros
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

Baroody, Benjamin
Belvin, William
Brownrigg, Randall Jr
Campbell, David
Coffey, James
Day, Russell
Drisko, Richard
Fredette, Robert
Garrity, Patrick
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Katsiantonis, Thomas
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pilotte, Maurice
Ramsey, Peter
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Summers, James
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Giuda, J. Brandon
Hoell, J.R.
Lauer-Rago, Kathleen
McDonnell, John
Palfrey, David
Rice, Chip
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
DeStefano, Stephen
Hamm, Christine
Kidder, David
Lindsley, Mark
McGuire, Carol
Patten, Dick
Richardson, Gary
Smith, Molly

Cohn, Seth
Frazer, June
Hess, David
Kotowski, Frank
Lockwood, Priscilla
McGuire, Dan
Potter, Frances
Richardson, Jon
Smith, Todd

Cox, Sean
Gile, Mary
Hill, Gregory
Kreis, Kenneth Sr
MacKay, James
Owen, Derek
Reed, Dennis
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred

Allen, Mary
Bates, David

Antosz, Jason
Bettencourt, David

Azarian, Gary
Birdsell, Regina

Brown, Paul
 Chirichiello, Brian
 DeSimone, Debra
 Duarte, Joe
 Garcia, Marilinda
 Hagan, Joseph
 Introne, Robert
 Kolodziej, Walter
 Manuse, Andrew
 Moody, Marcia
 Okerman, Richard
 Perkins, Amy
 Quandt, Matt
 Rice, Frederick
 Sapienza, Marie
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

Cali-Pitts, Jacqueline
 Comerford, Timothy
 Devine, James
 Elliott, Robert
 Garrity, James
 Headd, James
 Itse, Daniel
 Lovejoy, Patricia
 Mauro, Donna
 Murphy, Brian
 Oigny, Jeffrey
 Perkins, Lawrence
 Read, Robin Jr
 Ritter, Glenn
 Schlachman, Donna
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

Case, Frank
 Copeland, Timothy
 DiPentima, Rich
 Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Kappler, Lawrence
 Lundgren, David
 McKinney, Betsy
 Nevins, Chris
 Packard, Sherman
 Powers, James
 Reagan, John
 Sanders, Elisabeth
 Schroadter, Adam
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Weyler, Kenneth

Charron, Gene
 Davenport, Joshua
 Dowling, Patricia
 Fesh, Robert
 Griffin, Mary
 Hutchinson, Karen
 Katsakiores, Phyllis
 MacMahon, Bruce
 McMahon, Charles
 O'Connor, John
 Peckham, Michele
 Quandt, Marshall
 Reichard, Kevin
 Sapareto, Frank
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Wheaton, Gary

STRAFFORD

Andolina, Donald
 Grassie, Anne
 Hooper, Dorothea
 Kaen, Naida
 O'Connor, William
 Roberts, Jenna
 Sprague, Dale
 Watters, David

Brown, Julie
 Groen, Warren
 Horrigan, Timothy
 Larsen, Kirsten
 Panek, William
 Schmidt, Peter
 Vita, Carol
 Weeden, Michael

Cataldo, Sam
 Harty, Martin
 Jones, Kyle
 Munck, Philip
 Parsons, Robbie
 Spainhower, Dale
 Vita, Lucien

DeLemus, Susan
 Hofemann, Roland
 Jones, Laura
 Newton, Clifford
 Pitre, Joseph
 Spang, Judith
 Wall, Janet

SULLIVAN

Bowers, Spec
 Howard, Thomas
 Lovett, Charlene
 Smith, Steven

Cloutier, John
 LaCasse, Paul Sr
 Osgood, Joe

Cunningham, Steven
 Laware, Thomas
 Rodeschin, Beverly

Gagnon, Raymond
 Lefebvre, Benjamin
 Schmidt, Andrew

NAYS 10 BELKNAP

None

CARROLL

None

CHESHIRE

Hawkes, Samuel

Lindsey, Steven

Weed, Charles

COOS

None

GRAFTON

White, Andrew

HILLSBOROUGH

None

MERRIMACK

Foose, Robert

Shurtleff, Stephen

Wallner, Mary Jane

Williams, Robert

ROCKINGHAM

Pantelakos, Laura

Welch, David

STRAFFORD

None

SULLIVAN

None

and the committee report was adopted.

HB 626-FN, relative to a division of motor vehicles office location in Milford. **INEXPEDIENT TO LEGISLATE.**

Rep. John R. Cloutier for Transportation: This bill would require the department of safety to maintain a division of motor vehicles (DMV) driver licensing and registration substation in the town of Milford. Furthermore, a portion of the building that housed the substation would also be available to the Milford district court. First, this bill would set a bad precedent by requiring the department of safety to maintain a Milford DMV substation as part of state law. This requirement has never been put into law before, and, if passed, would encourage legislation to file similar bills mandating the location of DMV substations in their districts. Second, the 2009 capital budget dealt with this issue by upgrading the Nashua DMV substation at a cost of \$250,000 so Milford residents could travel to that substation for their licensing and registration needs. Finally, there is presently legislation, House Bill 438, before the legislature that would deal with the Milford district court. Vote 13-1. Committee report adopted.

HB 37-FN-A, reestablishing the initial monthly gross charge exemption to the communications services tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Azarian for the Majority of Ways and Means: This bill reestablishes the exemption to the communications services tax for the first \$12 of the monthly gross charge for a residential customer's telephone exchange access and service. The cost to the revenue side is small compared to the benefit gained by the elderly and those on the lower socio-economic level. Vote 14-5.

Rep. Susan W. Almy for the Minority of Ways and Means: According to the sponsor and data from the telephone companies, this bill will cost approximately \$5 million a year to the state's revenues. It will benefit land-line customers to the tune of 84 cents/month. Most, if not all, land-line customers poor enough to care about this amount - dwarfed by the \$7.49 of federal taxes on the same basic bill - have given up their lines and moved to cheap trac phones for emergency use. They and other elderly that need the state's services will be hurt much more by the loss of those services in the budget. Why make the hole in our budget worse?

MOTION TO LAY ON THE TABLE

Rep. Brunelle moved that **HB 37-FN-A**, reestablishing the initial monthly gross charge exemption to the communications services tax, be laid on the table.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 97 NAYS 265**YEAS 97
BELKNAP**

Pilliod, James

CARROLL

McCarthy, Frank

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Carr, Daniel
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Meador, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary

Remick, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David
White, Andrew

Almy, Susan
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

Gould, Franklin
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gorman, Mary
Moran, Edward
Rokas, Theodoros

Brunelle, Michael
Garrity, Patrick
Jeady, Jean
Pilotte, Maurice
Rosenwald, Cindy

Campbell, David
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

Christiansen, Lars
Goley, Jeffrey
Long, Patrick
Ramsey, Peter
Sullivan, Daniel

MERRIMACK

Deloge, Helen
Hamm, Christine
Owen, Derek
Richardson, Gary

DeStefano, Stephen
Kidder, David
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Frazer, June
MacKay, James
Rice, Chip
Williams, Robert

ROCKINGHAM

Allen, Mary
Hagan, Joseph
Pantelakos, Laura
Schlachman, Donna

Cali-Pitts, Jacqueline
Introne, Robert
Perkins, Lawrence

DiPentima, Rich
Lovejoy, Patricia
Powers, James

Gould, Kenneth
Moody, Marcia
Read, Robin Jr

STRAFFORD

Brown, Julie
Horrigan, Timothy
Spainhower, Dale
Watters, David

Grassie, Anne
Kaen, Naida
Spang, Judith

Harty, Martin
Roberts, Jenna
Sprague, Dale

Hooper, Dorothea
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 265**BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Swinford, Elaine

Bolster, Peter
Greemore, Robert
Millham, Alida
Tilton, Franklin

Comtois, Guy
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Babson, David Jr
Morrow, Harry
Schmidt, Stephen

Chandler, Gene
Patten, Betsey
Tregenza, Norman

Fleck, Joseph
Pettengill, Laurie
Umberger, Karen

McConkey, Mark
Scala, Dino

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey

Brosseau, Charles
Ingretson, Paul
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
 Barry, Richard
 Boehm, Ralph
 Buxton, Michael
 Cusson-Cail, Kathleen
 Doherty, Shaun
 Erickson, Duane
 Gandia, Laura
 Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Jasper, Shawn
 LeBrun, Donald
 McGuinness, Sean
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Terrio, Ross
 Vaillancourt, Steve
 Willette, Robert

Balboni, Michael
 Belanger, James
 Brown, Kevin
 Cebrowski, John
 Daniels, Gary
 Donovan, Daniel
 Flanagan, Jack
 Gargas, Carolyn
 Haefner, Robert
 Hikel, John
 Hopper, Gary
 Krasucki, Joseph
 Maltz, Jonathan
 Mecheski, Holly
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Robbins, David
 Silva, Peter
 Stepanek, Stephen
 Thomas, Joseph
 Villeneuve, Moe

Ball, J. Michael
 Belvin, William
 Brownrigg, Randall Jr
 Christensen, D.L. Chris
 Day, Russell
 Drisko, Richard
 Fredette, Robert
 Gimas, John
 Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 Kurk, Neal
 McCarthy, Michael
 Messier, Irene
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Rowe, Robert
 Simmons, Tammy
 Stroud, Kathleen
 Twombly, Timothy
 Warden, Mark

Barry, J. Gail
 Bergevin, Jerry
 Burt, John
 Coffey, James
 DeJong, Cameron
 Emerton, Larry
 Gagne, Larry
 Gonzalez, Carlos
 Hardwick, Harry
 Hogan, Edith
 Infantine, William
 Lambert, George
 McClarren, Donald
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Scotsas, Lisa
 Soucy, Connie
 Summers, James
 Ulery, Jordan
 Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Kotowski, Frank
 McDonnell, John
 Reed, Dennis
 Smith, Molly

Coffey, Jennifer
 Hess, David
 Kreis, Kenneth Sr
 McGuire, Carol
 Richardson, Jon
 Smith, Todd

Cohn, Seth
 Hill, Gregory
 Lauer-Rago, Kathleen
 McGuire, Dan
 Sanborn, Laurie
 Soltani, Tony

Cox, Sean
 Hoell, J.R.
 Lindsley, Mark
 Palfrey, David
 Seaworth, G. Brian
 Winter, Steven

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Case, Frank
 Copeland, Timothy
 Dowling, Patricia
 Fesh, Robert
 Headd, James
 Kappler, Lawrence
 MacMahon, Bruce
 McMahon, Charles
 Okerman, Richard
 Perkins, Amy
 Reichard, Kevin
 Sapareto, Frank
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin
 Wheaton, Gary

Antosz, Jason
 Bettencourt, David
 Charron, Gene
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Manuse, Andrew
 Murphy, Brian
 Oigny, Jeffrey
 Quandt, Marshall
 Rice, Frederick
 Sapienza, Marie
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

Azarian, Gary
 Birdsell, Regina
 Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Hutchinson, Karen
 Kolodziej, Walter
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Quandt, Matt
 Ritter, Glenn
 Schroader, Adam
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

Baldasaro, Alfred
 Brown, Paul
 Comerford, Timothy
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Itse, Daniel
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Peckham, Michele
 Reagan, John
 Sanders, Elisabeth
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Hofemann, Roland

Cataldo, Sam
 Jones, Kyle

DeLemus, Susan
 Jones, Laura

Groen, Warren
 Larsen, Kirsten

Munck, Phillip
Parsons, Robbie
Weeden, Michael

Newton, Clifford
Pitre, Joseph

O'Connor, William
Vita, Carol

Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and the motion failed.

The question now being adoption of the majority committee report of Ought to Pass.

Rep. Vaillancourt spoke in favor.

Rep. Almy spoke against.

Rep. Stepanek spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 277 NAYS 82

YEAS 277

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey

Bolster, Peter
Greemore, Robert
Millham, Alida
Tilton, Franklin

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Tobin, William

Fields, Dennis
Luther, Robert
Simpson, Tyler
Worsman, Colette

CARROLL

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

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Avard, Kevin
Barry, Richard
Brown, Kevin
Campbell, David
Coffey, James
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Krasucki, Joseph

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Cebrowski, John
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Kurk, Neal

Ball, J. Michael
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Daniels, Gary
Donovan, Daniel
Flanagan, Jack
Gargasz, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Jeudy, Jean
Lambert, George

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Day, Russell
Drisko, Richard
Fredette, Robert
Gimas, John
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Katsiantonis, Thomas
LeBrun, Donald

Maltz, Jonathan
 Mecheski, Holly
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Terrio, Ross
 Vaillancourt, Steve
 Willette, Robert

McCarthy, Michael
 Messier, Irene
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Robbins, David
 Silva, Peter
 Stepanek, Stephen
 Thomas, Joseph
 Villeneuve, Moe

McClarren, Donald
 Moran, Edward
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Rowe, Robert
 Simmons, Tammy
 Stroud, Kathleen
 Twombly, Timothy
 Warden, Mark

McGuinness, Sean
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Scotsas, Lisa
 Soucy, Connie
 Summers, James
 Ulery, Jordan
 Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
 Hess, David
 Kreis, Kenneth Sr
 McDonnell, John
 Reed, Dennis
 Smith, Molly

Cohn, Seth
 Hill, Gregory
 Lauer-Rago, Kathleen
 McGuire, Carol
 Richardson, Jon
 Smith, Todd

Cox, Sean
 Hoell, J.R.
 Lindsley, Mark
 McGuire, Dan
 Sanborn, Laurie
 Soltani, Tony

Giuda, J. Brandon
 Kotowski, Frank
 Lockwood, Priscilla
 Palfrey, David
 Seaworth, G. Brian
 Winter, Steven

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Comerford, Timothy
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Hutchinson, Karen
 Katsakiores, Phyllis
 Manuse, Andrew
 Murphy, Brian
 Oigny, Jeffrey
 Perkins, Lawrence
 Reichard, Kevin
 Sapareto, Frank
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin
 Wheaton, Gary

Allen, Mary
 Bates, David
 Case, Frank
 Copeland, Timothy
 Dowling, Patricia
 Fesh, Robert
 Hagan, Joseph
 Introne, Robert
 Kolodziej, Walter
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Quandt, Marshall
 Rice, Frederick
 Sapienza, Marie
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

Antosz, Jason
 Bettencourt, David
 Charron, Gene
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Itse, Daniel
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Peckham, Michele
 Quandt, Matt
 Ritter, Glenn
 Schroadter, Adam
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

Azarian, Gary
 Birdsell, Regina
 Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Kappler, Lawrence
 MacMahon, Bruce
 McMahon, Charles
 Okerman, Richard
 Perkins, Amy
 Reagan, John
 Sanders, Elisabeth
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Groen, Warren
 Larsen, Kirsten
 Panek, William
 Vita, Carol

Brown, Julie
 Harty, Martin
 Munck, Philip
 Parsons, Robbie
 Vita, Lucien

Cataldo, Sam
 Jones, Kyle
 Newton, Clifford
 Pitre, Joseph
 Weeden, Michael

DeLemus, Susan
 Jones, Laura
 O'Connor, William
 Sprague, Dale

SULLIVAN

Bowers, Spec
 Laware, Thomas

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Smith, Steven

NAYS 82 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Carr, Daniel
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Meader, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Pilotte, Maurice
Rosenwald, Cindy

Belanger, James
Gidge, Kenneth
Porter, Marjorie
Shaw, Barbara

Brunelle, Michael
Goley, Jeffrey
Ramsey, Peter
Sullivan, Daniel

Cote, David
Gorman, Mary
Rokas, Theodoros

MERRIMACK

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Kidder, David
Potter, Frances
Wallner, Mary Jane

Frazer, June
MacKay, James
Rice, Chip
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura

Gould, Kenneth
Powers, James

Lovejoy, Patricia
Read, Robin Jr

STRAFFORD

Grassie, Anne
Kaen, Naida
Spang, Judith

Hofemann, Roland
Roberts, Jenna
Wall, Janet

Hooper, Dorothea
Schmidt, Peter
Watters, David

Horrigan, Timothy
Spainhower, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

LAIID ON THE TABLE

Rep. Stepanek moved that **HB 37-FN-A**, reestablishing the initial monthly gross charge exemption to the communications services tax, be laid on the table.

APPEAL OF THE RULING OF THE CHAIR

Rep. Gary Richardson appealed the ruling of the Chair for declaring that a motion to Lay on the Table was in order on **HB 37-FN-A**, reestablishing the initial monthly gross charge exemption to the communications services tax.

The question being shall the ruling of the Chair be upheld.

On a division vote, 274 members having voted in the affirmative and 89 in the negative, the ruling of the Chair was upheld.

The question now being the motion to Lay on the Table.

Rep. Powers requested a roll call; sufficiently seconded.

YEAS 275 NAYS 89**YEAS 275****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Bolster, Peter
Greemore, Robert
Millham, Alida
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Tilton, Franklin

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

CARROLL

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Butynski, William
Hawkes, Samuel
Smith, Edwin

Byrnes, John
Hunt, John
Sterling, Franklin Jr

Dwinell, Richard
Johnson, Jane

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbreton, Paul
Shackett, Jeffrey
Townsend, Charles

Bulls, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Belvin, William
Burt, John
Christiansen, Lars
Day, Russell
Drisko, Richard
Fredette, Robert
Gidge, Kenneth
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Boehm, Ralph
Buxton, Michael
Coffey, James
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Hikel, John
Hopper, Gary
Judy, Jean
Lambert, George
McClarren, Donald
Moran, Edward
Palmer, Barry
Pepino, Leo
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Brown, Kevin
Cebrowski, John
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Katsiantonis, Thomas
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Ramsey, Peter
Scontsas, Lisa
Soucy, Connie
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

Belanger, James
Brownrigg, Randall Jr
Christensen, D.L. Chris
Daniels, Gary
Donovan, Daniel
Flanagan, Jack
Gargas, Carolyn
Gorman, Mary
Hardwick, Harry
Hogan, Edith
Infantine, William
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Parison, James
Porter, Marjorie
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Summers, James
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon

Coffey, Jennifer
Hess, David

Cohn, Seth
Hill, Gregory

Cox, Sean
Kotowski, Frank

Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Winter, Steven

Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

Lindsley, Mark
Palfrey, David
Smith, Molly

Lockwood, Priscilla
Reed, Dennis
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Perkins, Amy
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Perkins, Lawrence
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Packard, Sherman
Quandt, Marshall
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Lundgren, David
McKinney, Betsy
O'Connor, John
Peckham, Michele
Quandt, Matt
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald
Groen, Warren
Larsen, Kirsten
Panek, William
Sprague, Dale

Brown, Julie
Harty, Martin
Munck, Philip
Parsons, Robbie
Vita, Carol

Cataldo, Sam
Horrigan, Timothy
Newton, Clifford
Pitre, Joseph
Vita, Lucien

DeLemus, Susan
Jones, Laura
O'Connor, William
Spang, Judith
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 89

BELKNAP

None

CARROLL

None

CHESHIRE

Garr, Daniel
Meador, David
Tatro, Bruce

Chase, Cynthia
Moore, Charles
Weber, Lucy

Lerandeau, Alfred
Parkhurst, Henry
Weed, Charles

Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
White, Andrew

Gould, Franklin
Pierce, David

HILLSBOROUGH

Balboni, Michael
Brunelle, Michael
Gimas, John
Pilotte, Maurice

Baroody, Benjamin
Campbell, David
Long, Patrick
Rokas, Theodoros

Barry, J. Gail
Cote, David
Murphy, Keith
Rosenwald, Cindy

Bergevin, Jerry
Garrity, Patrick
Ober, Russell III
Shaw, Barbara

MERRIMACK

Deloge, Helen
Gile, Mary
MacKay, James
Potter, Frances
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
McGuire, Dan
Rice, Chip
Soltani, Tony

Foose, Robert
Hoell, J.R.
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

Frazer, June
Kidder, David
Patten, Dick
Richardson, Jon
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Pantelakos, Laura
Reichard, Kevin

DiPentima, Rich
Powers, James
Sapienza, Marie

Hutchinson, Karen
Read, Robin Jr
Schlachman, Donna

Moody, Marcia
Reagan, John
Tasker, Kyle

STRAFFORD

Grassie, Anne
Kaen, Naida
Wall, Janet

Hofemann, Roland
Roberts, Jenna
Watters, David

Hooper, Dorothea
Schmidt, Peter

Jones, Kyle
Spainhower, Dale

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 166-FN-A-L, reducing the rate of the meals and rooms tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laurie J. Sanborn for the Majority of Ways and Means: This bill reduces the meals and rooms tax back to the 8 percent level. When the tax was increased by 12.5 percent to the 9 percent level, the tourism industry, small businesses, and residents of New Hampshire were all negatively affected. Reducing the tax is good for our economy, encourages people to spend money here, and helps our business community grow and create jobs. Vote 16-5.

Rep. Christine C. Hamm for the Minority of Ways and Means: This bill would reduce the meals and rooms tax from 9 percent to 8 percent, the potential effect of which could result in more than \$27 million in lost revenues. In contrast, this multi-million dollar loss would affect a consumer renting a \$70 room in a hotel by only 70 cents, i.e. instead of paying \$6.30 tax on that room, he would now pay \$5.60. Since saving 70 cents is hardly enough to be a factor in such a decision as to whether or not to rent a hotel room, and since the commissioner of the department of resources and economic development confirmed that assumption when he testified there had been no impact on the state meals and rooms revenues that could be attributable to the rate's increase in 2010, and since the state is in need of sustainable revenues, the minority considers a reduction of this rate to be unnecessary and inadvisable at this time.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Hamm spoke against and yielded to questions.

Reps. Sapareto and Stepanek spoke in favor.

Rep. Stepanek requested a roll call; sufficiently seconded.

YEAS 285 NAYS 78

YEAS 285**BELKNAP**

Accornero, Harry
Flanders, Donald

Bolster, Peter
Greemore, Robert

Comtois, Guy
Kingsbury, Robert

Fields, Dennis
Luther, Robert

Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Millham, Alida
Swinford, Elaine

Pilliod, James
Tilton, Franklin

Simpson, Tyler
Tobin, William

CARROLL

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Smith, Edwin

Dwinell, Richard
Lindsey, Steven
Sterling, Franklin Jr

Emerson, Susan
Moore, Charles

Hunt, John
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbreton, Paul
Shackett, Jeffrey
White, Andrew

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Day, Russell
Drisko, Richard
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brown, Kevin
Campbell, David
Coffey, James
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Cebrowski, John
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Judy, Jean
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Daniels, Gary
Donovan, Daniel
Flanagan, Jack
Gimas, John
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Dan
Richardson, Jon
Smith, Todd

Cohn, Seth
Hess, David
Kidder, David
Lindsley, Mark
Palfrey, David
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hill, Gregory
Kotowski, Frank
McDonnell, John
Patten, Dick
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Bettencourt, David	Birdsell, Regina
Brown, Paul	Case, Frank	Charron, Gene	Chirichiello, Brian
Comerford, Timothy	Copeland, Timothy	Davenport, Joshua	DeSimone, Debra
Devine, James	Dowling, Patricia	Duarte, Joe	Elliott, Robert
Ferrante, Beverly	Fesh, Robert	Garcia, Mariiinda	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Kappler, Lawrence
Katsakiores, Phyllis	Kolodziej, Walter	Lundgren, David	MacMahon, Bruce
Manuse, Andrew	Mauro, Donna	McKinney, Betsy	McMahon, Charles
Murphy, Brian	Nevins, Chris	O'Connor, John	Okerman, Richard
Oigny, Jeffrey	Packard, Sherman	Peckham, Michele	Perkins, Amy
Perkins, Lawrence	Quandt, Marshall	Quandt, Matt	Reagan, John
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sapareto, Frank	Sapienza, Marie	Schroader, Adam	Sedensky, John
Sheffert, Kenneth	Shuler, Wyman III	Smith, William	Sullivan, James
Sullivan, Kevin	Sytek, John	Tamburello, Daniel	Tasker, Kyle
Tremblay, Stella	Tucker, Pamela	Waddell, James	Ward, Joanne
Waterhouse, Kevin	Webb, James	Welch, David	Weyler, Kenneth

STRAFFORD

Andolina, Donald	Brown, Julie	Cataldo, Sam	DeLemus, Susan
Groen, Warren	Harty, Martin	Hofemann, Roland	Jones, Kyle
Jones, Laura	Larsen, Kirsten	Munck, Philip	Newton, Clifford
O'Connor, William	Panek, William	Parsons, Robbie	Pitre, Joseph
Sprague, Dale	Vita, Carol	Vita, Lucien	Watters, David

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly
Smith, Steven			

NAYS 78**BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Hawkes, Samuel
Lerandeau, Alfred	Meador, David	Parkhurst, Henry	Sad, Tara
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Hatch, William	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Aguiar, James	Almy, Susan	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Cote, David	Gargas, Carolyn
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary

Long, Patrick
Rokas, Theodoros

Pilotte, Maurice
Rosenwald, Cindy

Porter, Marjorie
Shaw, Barbara

Ramsey, Peter
Sullivan, Daniel

MERRIMACK

Deloge, Helen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
Lockwood, Priscilla
Rice, Chip
Williams, Robert

Frazer, June
MacKay, James
Richardson, Gary

Gile, Mary
Owen, Derek
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura

Gould, Kenneth
Powers, James

Lovejoy, Patricia
Read, Robin Jr

STRAFFORD

Grassie, Anne
Roberts, Jenna
Wall, Janet

Hooper, Dorothea
Schmidt, Peter

Horrigan, Timothy
Spainhower, Dale

Kaen, Naida
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

LAID ON THE TABLE

Rep. Stepanek moved that **HB 166-FN-A-L**, reducing the rate of the meals and rooms tax, be laid on the table.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 254 NAYS 109

YEAS 254

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Flanders, Donald
Malone, Robert
Swinford, Elaine

CARROLL

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Butynski, William
Hawkes, Samuel
Moore, Robert Jr

Byrnes, John
Hunt, John
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Sterling, Franklin Jr

Emerson, Susan
Lindsey, Steven

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Townsend, Charles

Brosseau, Charles
Ingbreton, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
 Belvin, William
 Burt, John
 Christiansen, Lars
 Day, Russell
 Drisko, Richard
 Fredette, Robert
 Gonzalez, Carlos
 Hardwick, Harry
 Hogan, Edith
 Jasper, Shawn
 Lambert, George
 McClarren, Donald
 Moran, Edward
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Rowe, Robert
 Simmons, Tammy
 Summers, James
 Ulery, Jordan
 Willette, Robert

Ball, J. Michael
 Boehm, Ralph
 Buxton, Michael
 Coffey, James
 DeJong, Cameron
 Emerton, Larry
 Gagne, Larry
 Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Jeudy, Jean
 LeBrun, Donald
 McGuinness, Sean
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Ramsey, Peter
 Scontsas, Lisa
 Soucy, Connie
 Terrio, Ross
 Vaillancourt, Steve

Barry, Richard
 Brown, Kevin
 Cebrowski, John
 Cusson-Cail, Kathleen
 Doherty, Shaun
 Erickson, Duane
 Gandia, Laura
 Haefner, Robert
 Hikel, John
 Hutchinson, Winfred
 Krasucki, Joseph
 Maltz, Jonathan
 Mecheski, Holly
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Renzullo, Andrew
 Seidel, Carl
 Stepanek, Stephen
 Thomas, Joseph
 Villeneuve, Moe

Belanger, James
 Brownrigg, Randall Jr
 Christensen, D.L. Chris
 Daniels, Gary
 Donovan, Daniel
 Flanagan, Jack
 Gargas, Carolyn
 Hansen, Peter
 Hinch, Richard
 Infantine, William
 Kurk, Neal
 McCarthy, Michael
 Messier, Irene
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Robbins, David
 Silva, Peter
 Stroud, Kathleen
 Twombly, Timothy
 Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Kidder, David
 Lindsley, Mark
 Owen, Derek
 Seaworth, G. Brian

Coffey, Jennifer
 Hess, David
 Kotowski, Frank
 Lockwood, Priscilla
 Palfrey, David
 Smith, Molly

Cohn, Seth
 Hill, Gregory
 Kreis, Kenneth Sr
 McDonnell, John
 Reed, Dennis
 Smith, Todd

Cox, Sean
 Keane, Thomas
 Lauer-Rago, Kathleen
 McGuire, Carol
 Sanborn, Laurie
 Winter, Steven

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Chirichiello, Brian
 DeSimone, Debra
 Fesh, Robert
 Griffin, Mary
 Hutchinson, Karen
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Perkins, Amy
 Sanders, Elisabeth
 Smith, William
 Tamburello, Daniel
 Waterhouse, Kevin

Allen, Mary
 Bates, David
 Cali-Pitts, Jacqueline
 Comerford, Timothy
 Devine, James
 Garcia, Marilinda
 Hagan, Joseph
 Introne, Robert
 Lovejoy, Patricia
 McMahon, Charles
 Oigny, Jeffrey
 Perkins, Lawrence
 Sapareto, Frank
 Sullivan, James
 Tremblay, Stella
 Welch, David

Antosz, Jason
 Bettencourt, David
 Case, Frank
 Copeland, Timothy
 Dowling, Patricia
 Garrity, James
 Headd, James
 Itse, Daniel
 Lundgren, David
 Murphy, Brian
 Packard, Sherman
 Quandt, Marshall
 Sedensky, John
 Sullivan, Kevin
 Tucker, Pamela
 Weyler, Kenneth

Azarian, Gary
 Birdsell, Regina
 Charron, Gene
 Davenport, Joshua
 Elliott, Robert
 Gould, Kenneth
 Hoelzel, Kathleen
 Kappler, Lawrence
 Mauro, Donna
 Nevins, Chris
 Peckham, Michele
 Quandt, Matt
 Shuler, Wyman III
 Sytek, John
 Ward, Joanne

STRAFFORD

Andolina, Donald
 Groen, Warren
 Munck, Philip
 Spang, Judith
 Weeden, Michael

Brown, Julie
 Harty, Martin
 Newton, Clifford
 Sprague, Dale

Cataldo, Sam
 Horrigan, Timothy
 Pitre, Joseph
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 Roberts, Jenna
 Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 109**BELKNAP**

Comtois, Guy

Pilliod, James

CARROLL

None

CHESHIRE

Carr, Daniel
Moore, Charles
Weber, Lucy

Chase, Cynthia
Parkhurst, Henry
Weed, Charles

Lerandeau, Alfred
Sad, Tara

Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Harding, Laurie
Simard, Paul

Almy, Susan
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Pastor, Beatriz
Taylor, Kathleen

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Balboni, Michael
Brunelle, Michael
Gidge, Kenneth
Hopper, Gary
Porter, Marjorie
Souza, Kathleen

Baroody, Benjamin
Campbell, David
Gimas, John
Long, Patrick
Rokas, Theodoros
Sullivan, Daniel

Barry, J. Gail
Cote, David
Goley, Jeffrey
Murphy, Keith
Rosenwald, Cindy
Warden, Mark

Bergevin, Jerry
Garrity, Patrick
Gorman, Mary
Pilotte, Maurice
Shaw, Barbara

MERRIMACK

Deloge, Helen
Gile, Mary
McGuire, Dan
Richardson, Gary
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Richardson, Jon
Williams, Robert

Foose, Robert
Hoell, J.R.
Potter, Frances
Shurtleff, Stephen

Frazer, June
MacKay, James
Rice, Chip
Soltani, Tony

ROCKINGHAM

DiPentima, Rich
MacMahon, Bruce
Pantelakos, Laura
Reichard, Kevin
Schlachman, Donna
Waddell, James

Duarte, Joe
Manuse, Andrew
Powers, James
Rice, Frederick
Schroadter, Adam
Webb, James

Ferrante, Beverly
Moody, Marcia
Read, Robin Jr
Ritter, Glenn
Sheffert, Kenneth

Katsakiores, Phyllis
Okerman, Richard
Reagan, John
Sapienza, Marie
Tasker, Kyle

STRAFFORD

Grassie, Anne
Jones, Laura
Parsons, Robbie
Watters, David

Hofemann, Roland
Kaen, Naida
Schmidt, Peter

Hooper, Dorothea
O'Connor, William
Spainhower, Dale

Jones, Kyle
Panek, William
Wall, Janet

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the motion was adopted.

Rep. Katsiantonis declared a conflict of interest on **HB 166-FN-A-L** and did not participate.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 65, relative to the advisory board on private investigative agencies and security services, and firearms proficiency for armed security guards, private investigators, and bail enforcement agents. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip E. Ginsburg for Criminal Justice and Public Safety: This bill would require representation on the advisory board from all three types of armed security personnel. The committee is satisfied that existing standards, which allow for more than one representative from among personnel who constitute the great majority of affected persons, is satisfactory. The bill would also allow persons licensed to carry firearms in their work to carry weapons in their off-duty hours as private citizens without complying with routine licensing requirements. The committee does not believe this is fair or prudent. Vote 16-0.

Rep. Ulery spoke against.

Rep. Gagne spoke in favor.

Committee report adopted.

HB 124-FN, allowing any person to request conviction information regarding public officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill is unneeded for its intended purpose. A public official's background is already easily accessible with modern means. Vote 14-0.

Rep. Ulery spoke against.

Rep. Tasker spoke in favor.

Committee report adopted.

HB 109, relative to residential fire sprinklers. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: Passage of this bill would effectively put the planning board in the building and construction business instead of the land subdivision business where it belongs. RSA 674:36 already gives the planning board authority to determine a subdivision scattered and premature for lack of a water source for fire protection and RSA 674:21 gives it the authority to assess impact fees for cisterns or other non-natural sources of water. Not having sprinklers does not endanger the public but mandating them infringes on personal freedoms. Vote 16-0.

Rep. Ferrante moved Recommit and spoke in favor.

Reps. James Belanger and Burt spoke against.

Reps. Hunt and Ritter spoke in favor and yielded to questions.

Adopted.

Recommitted to the Committee on Municipal and County Government.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 23, 2011 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

SB 1-FN-L, eliminating the automatic continuation requirement for public employee collective bargaining agreements.

HB 230, exempting the repair of certain structures from compensatory mitigation requirements.

UNANIMOUS CONSENT

Reps. Hamm, Itse and Eaton addressed the House.

MOTION TO PRINT REMARKS

Rep. Parkhurst moved that the remarks made by Rep. Itse be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Itse: Thank you, Mister Speaker. I am actually here at the request of the woman who runs the store downstairs by the House of Flags, Virginia Drew. She was surprised that on the day this legislature opened, that this unanimous consent had not been made because it is actually a very auspicious anniversary, January 5th. January 5th is the day that New Hampshire adopted its first constitution in 1776. It's important because New Hampshire is actually a state of firsts. We all hear about the battle of Concord and Lexington, the start of the war for independence, but we had the battle of Fort William and Mary more than a year prior to that here, where the patriots of the Portsmouth area obtained the powder and shot from Fort William and Mary that they had just been taxed to provide and they used that powder and shot in the prosecution of their part in the battle of Bunker Hill that really saved the infant war for independence. The following year brought great turmoil in New Hampshire. It was a period of lawlessness and anarchy with growing problems in the outlying areas of the state. This reached a crescendo when the people of the state - Governor Wentworth was harboring a public official in his house and the people of the state rolled a cannon up to his front door demanding that he turn this individual over to them. After that, Governor Wentworth, who was a three generation New Hampshire citizen and his family had held the governorship, I believe, for all three generations and he then retired to Fort William and Mary and shortly thereafter he and his family left and went to England. We get to January 1776, and this is important, all the other charters - Connecticut gets hailed as the constitution state, they had the first constitution, but that constitution was enacted under and with the authority of the King of Great Britain. New Hampshire had the first free constitution on this continent and in the preamble they phrased it this way.

The sudden and abrupt departure of his Excellency, John Wentworth, Esq., our late Governor, and several of the Council, leaving us destitute of legislation, and no executive courts being open to punish criminal offenders; whereby the lives and properties of the honest people of this colony are liable to the machinations and evil designs of wicked men, *Therefore*, for the preservation of peace and good order, and the security of the lives and properties of the inhabitants of this colony, we conceive ourselves reduced to the necessity of establishing a FORM OF GOVERNMENT to continue during the present unhappy and unnatural contest with Great Britain; PROTESTING and DECLARING that we never sought to throw off our dependence upon Great Britain, but felt ourselves happy under her protection, while we could enjoy our constitutional rights and privileges. And that we shall rejoice if such a reconciliation between us and our parent State can be effected as shall be approved by the CONTINENTAL CONGRESS, in whose prudence and wisdom we confide.

Followed was the description of the first free government on this continent, six months, nearly, prior to the Declaration of Independence. I thank you and that was how we began this Session.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 1:05 p.m.

RECESS**COMMITTEE ASSIGNMENTS**

The Speaker made the following changes to committee assignments:

Rep. Jasper off the Committee on House Rules.

Rep. Silva on the Committee on House Rules.

Rep. Jasper off the Special Committee on Public Employee Pensions Reform.

Rep. Waddell on the Special Committee on Public Employee Pensions Reform.

RECESS

(Rep. Gorman in the Chair)

RESOLUTION

Rep. Sad offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 18, 21, 25, 29, 36, 37, 42, 43, 45, 60, 62, 65, 66, 67, 68, 85, 91, 96, 97, 98, 99, 112, 115, 116, 127 and 140 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 18, deleting a function of the central tax services unit. (Ways and Means)

SB 21, relative to exemptions from excavating and drainage permits. (Resources, Recreation and Development)

SB 25, relative to the Connecticut River Valley resource commission. (Executive Departments and Administration)

SB 29, relative to the definition of "moped" and relative to motorcycle endorsements. (Transportation)

SB 36, relative to the permanent siting of the Hampton-Exeter District Court. (Judiciary)

SB 37, relative to the determination of residency for certain pupils. (Education)

SB 42, relative to the declaration of consideration for purposes of the real estate transfer tax. (Ways and Means)

SB 43, making a technical correction to the tobacco tax laws. (Ways and Means)

SB 45, relative to criteria for designation as a Granite State scholar. (Education)

SB 60, relative to the definition of commercial motor vehicle. (Transportation)

SB 62, relative to persons participating in the return to work program. (Commerce and Consumer Affairs)

SB 65, making technical corrections to a law relative to court facility financing. (Judiciary)

SB 66, relative to nonresident fees for motorcycle rider education. (Transportation)

SB 67, establishing a committee to study school vouchers and school choice. (Education)

SB 68, relative to records of disciplinary actions taken by the electricians' board. (Executive Departments and Administration)

SB 85, naming a bay in the town of Meredith Johnson Bay. (Resources, Recreation and Development)

SB 91, relative to automatic fire suppression sprinklers. (Municipal and County Government)

SB 96, relative to amending the charter of The Pinkerton Academy. (Education)

SB 97, relative to the application of the community revitalization tax relief incentive. (Ways and Means)

SB 98, revising the international registration plan. (Transportation)

SB 99, relative to trailer brakes. (Transportation)

SB 112, relative to the membership on the advanced manufacturing education advisory council. (Executive Departments and Administration)

SB 115, relative to observing voter check-in. (Election Law)

SB 116, relative to the manufactured housing installation standards board. (Commerce and Consumer Affairs)

SB 127-FN, relative to the city of Manchester's contributory retirement system. (Executive Departments and Administration)

SB 140-FN, relative to the disposition of military justice fines. (State-Federal Relations and Veterans Affairs)

RECESS

(Rep. Theberge in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 1.
Rep. Kidder, Sen. Bradley for the Committee

RECESS

(Rep. James Garrity in the Chair)

RESOLUTION

Rep. Kurk offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 648 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 648, relative to eminent domain petitions by public utilities. (Rappaport, Coos 1; Remick, Coos 2; Kurk, Hills 7; Tholl, Coos 2; Ladd, Graf 5; Daugherty, Coos 1; Brosseau, Graf 6; Reilly, Graf 8; Forrester, Dist 2: Science, Technology and Energy)

RECESS

(Speaker O'Brien in the Chair)

Rep. Tucker moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 8

Wednesday, February 23, 2011

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Roger Boucher of Gilmanton Iron Works. O eternal and everlasting God, we give humble and hearty thanks that You have preserved us this night past from all the dangers poor mortals are subject to and in which we find ourselves refreshed and comforted for performing the duties of this new day, in which we beseech Thee to defend us from all perils of body and soul. Direct our thoughts, words and work and purge our hearts that we may with more freedom of mind and liberty of will serve Thee, the everlasting God, in righteousness and holiness this day and all the days of our lives. Bless the people of this land, be a father to the fatherless, a comforter to the comfortless, a deliverer to the captives and a physician to the sick. Bless our families, friends and kindred and unite us here in all our works begun, continued and ended and make us confident for the time when we shall come to make our last account before Thee. Let thy blessings guide us this day and forever. We pray this in Your great name. Amen.

Representative Steven Cunningham, member from Croydon, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Butynski, Champagne, Chris Christensen, Cote, Day, Hamm, Lynne Ober, Pepino, Pratt, Sapienza and Soltani, the day, illness.

Reps. Ahlgren, Beattie, Bradley, DeSimone, Flanders, Foose, Hawkins, Hess, Leonard, Lerandeau, Millham, Keith Murphy, Palfrey, Panek, Amy Perkins, Lawrence Perkins, Ramsey, Chip Rice, Jon Richardson, Serlin and Molly Smith, the day, important business.

Reps. Buxton and Munck, the day, illness in the family.

Rep. Simmons, the day, death in the family.

INTRODUCTION OF GUESTS

Litsa, Greg, Addison and Olivia Delage, mother, brother, nephew and niece of Rep. Scontsas. Stefanie and Abigail O'Connor and Betty Lacroix, wife, daughter and mother-in-law of Rep. Bill O'Connor. The Honorable Freida Smith, former member from Salem and Patricia Corey, guests of Rep. Elliot. The Honorable Deborah Wheeler, former member from Northfield, guest of Rep. Wall. John Hohenwater, guest of Rep. Cunningham. Shawn Donovan, guest of the Lebanon Delegation. David Goldstein, guest of Rep. Emerson. Hanna Lundgren, Jim and Aud Segalini and Jesse Kiuszka, wife and guests of Rep. Lundgren. The Honorable Phyllis Woods, former member from Dover and Mike Silverwood, guests of Rep. Tucker.

INTRODUCTION OF SPECIAL GUEST

The Honorable Frank Guinta, Congressman from the 1st Congressional District and former member from Manchester.

MOTION TO VACATE

Rep. James Garrity moved that the House vacate the reference of **HB 561**, prohibiting the state payment of the cost of wireless communications services for legislators and staff, to the Committee on Science, Technology and Energy.

Adopted.

The Speaker referred **HB 561** to the Committee on Legislative Administration.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 222-FN, relative to administrative rules which contain a fee increase, allowing political subdivisions to object to a proposed rule, and eliminating certain statutory provisions granting general rulemaking authority, removed by Rep. Carol McGuire.

HB 353-FN, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness, removed by Reps. O'Brien and Tucker.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities, removed by Reps. O'Brien and Tucker.

HB 146, relative to the right of jury nullification, removed by Rep. Itse.

HB 375, relative to immunity for school personnel using necessary force to protect pupils, removed by Rep. Peter Schmidt.

Consent Calendar adopted.

HB 40, relative to the number of children in a licensed foster family home. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn M. Gargasz for Children and Family Law: This bill intended to increase the number of foster children above the six (6) allowed in foster family homes. The division of children, youth and families feels it has considerable capacity with capable families. Many foster children have been neglected or otherwise abused and need a home where they can have the most attention, structure, and nurturing. The committee did not feel this was a necessary change to our statutes. Vote 14-0.

HB 281, relative to protective custody of intoxicated or incapacitated individuals under 18 years of age. **INEXPEDIENT TO LEGISLATE.**

Rep. David S. Robbins for Children and Family Law: The bill provides procedures when a peace officer detains an intoxicated or incapacitated minor who does not require immediate medical treatment. It directs that the minor be held in a non-secure area within a police station until the parent or guardian arrives or the child is referred to the department of health and human services licensed childcare agency. The sponsor believes the bill needs further work and clarification and requested the bill be recommended Inexpedient to Legislate. Vote 14-0.

HB 292-FN, relative to securities regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: This bill makes technical changes to our securities law. It changes and clarifies some definitions, improves the procedures for processing and hearing complaints, and increases the penalty for those guilty of crimes under this law. Vote 16-0.

Amendment (0196h)

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. Amend the introductory paragraph of RSA 421-B:2 to read as follows:

421-B:2 Definitions. When used in this chapter, unless the context of *the section within which the term is used* otherwise requires:

2 Definitions. Amend RSA 421-B:2, IV-b to read as follows:

IV-b. "Bureau" means the bureau of securities regulation within the department of state.

IV-c. "Common enterprise" means an enterprise in which the fortunes of the investor are interwoven with those of either the person offering the investment, a third party, or other investors.

~~[IV-b:]~~ **IV-d. "Complaint" means a written statement submitted within a reasonable time following the incident complained of by a person, association, partnership, corporation, state agency (including the staff of the department) or by any other legal entity that sets forth specific allegations and requests administrative action by the department.**

3 New Paragraph; Definitions. Amend RSA 421-B:2 by inserting after paragraph IX-b the following new paragraph:

IX-c. "Investment contract" means an investment in a common enterprise with the expectation of profits to be derived primarily from the efforts of a person other than the investor.

4 Definitions. Amend RSA 421-B:2, XX(a) to read as follows:

XX.(a) "Security" means the investment of money or money's worth including goods furnished and/or services performed in the risk capital of a venture with the expectation of some benefit to the investor where the investor has no direct control over the investment or policy decisions of the venture. "Security" shall include any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit sharing agreement; membership interest in a limited liability company; partnership interest in a registered limited liability partnership;

partnership interest in a limited partnership; collateral trust certificate; preorganization certificate or subscription; transferable shares; investment contract; investment metal contract or investment gem contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining right, title or lease or in payments out of production under such a right, title or lease; or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, receipt for guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified period.

5 New Paragraph; Definitions. Amend RSA 421-B:2 by inserting after paragraph XXII the following new paragraph:

XXIII. "Willful" or "willfully," especially in connection with RSA 421-B:24, but not limited thereto, means an intentional act or omission to perform an act in that the person was aware of what he or she was doing or failing to do. However, evil motive, scienter, intent to violate this title, or knowledge that this title was being violated is not required.

6 Sales and Purchases. The introductory paragraph of RSA 421-B:3, II is repealed and reenacted to read as follows:

II. For purposes of paragraph I(c), to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, shall include but not be limited to:

7 Criminal Penalty. Amend RSA 421-B:24 to read as follows:

421-B:24 Criminal Penalty.

I. Any person who willfully, *as defined in RSA 421-B:2, XXIII*, violates any provisions of RSA 421-B:3, **421-B:3-a**, 421-B:4, 421-B:5 or fails to comply with an order from the secretary of state to cease and desist or for an injunction issued pursuant to RSA 421-B:23, or who fails to comply with an order to pay a fine, penalty, rescission, restitution, or disgorgement greater than \$10,000 pursuant to RSA 421-B:10, 421-B:23, or 421-B:26, or who violates RSA 421-B:19 knowing that the statement was false or misleading in any material respect, shall be guilty of a class B felony. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense.

II. Any person who willfully violates RSA 421-B:6, 421-B:11 or 421-B:20 shall be guilty of a ~~[class A misdemeanor if a natural person, and guilty of a]~~ **class B** felony ~~[if any other person]~~. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense. ~~[For any subsequent offense, any person shall be guilty of a class B felony.]~~

III. [Repealed.]

IV. Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute.

V. The crimes established in paragraphs I and II of this section are public welfare offenses.

8 Hearing Procedures. Amend RSA 421-B:26-a, XXI-XXVIII to read as follows:

XXI. Within a reasonable time after the hearing, the presiding officer shall issue a written decision stating the action to be taken by the department and may set forth findings of fact, conclusions of law, and disposition. All decisions shall be reached upon the basis of a preponderance of the evidence. ~~[The decision of the presiding officer shall be construed as the decision of the secretary of state.]~~

XXII. Any party to whom notice has been forwarded pursuant to and in accordance with these rules who fails to appear shall have a default judgment rendered against him.

XXIII.(a) *Within 30 days after a final decision or disposition of a motion for reconsideration by the presiding officer:*

(1) *Any party, including the bureau staff, may file an appeal of the presiding officer's decision to the secretary of state; or*

(2) *Upon his or her own motion, the secretary of state may elect to review a presiding officer's decision.*

(b) *In either case, the procedure for such proceeding shall be the same as in paragraph XXVI.*

(c) *The secretary of state may elect to conduct the proceeding de novo, on the record, with or without allowing the parties to supplement the record. In the latter case, the procedure shall be the same as that provided for in paragraph XVII.*

(d) At the conclusion of the proceedings, by written decision, the secretary of state may accept or reject the presiding officer's decision, in whole or in part, substitute his or her own findings of fact and conclusions of law, or return the case to the original presiding officer, or to a substitute presiding officer, for action consistent with the secretary's instruction.

XXIV. The presiding officer may take judicial notice.

[XXIV-] XXV. Where the interests of justice will be better served without prejudice to the substantial rights of any party, a presiding officer may sever one case from another or may consolidate 2 or more cases, preserving to all parties the right of appeal from the single or several decisions rendered.

[XXV-] XXVI. Once a hearing notice has been issued commencing an adjudicatory proceeding, no party shall communicate with the presiding officer or the secretary of state concerning the merits of the case except upon notice to all parties nor shall any party cause another person to make such communications.

[XXVI-] XXVII. Within 30 days after [a] *the presiding officer's* final decision, any party *including the bureau's staff*, may *but is not required to* file a motion for reconsideration which shall serve as a petition for rehearing under RSA 541. No distinctions shall be made between the terms "reconsideration" and "rehearing." A motion for reconsideration shall:

[{+}] (a) Identify each error of law, error of reasoning, or erroneous conclusion contained in the final order which the moving party wishes the [secretary of state] *presiding officer* to reconsider.

[{2}] (b) Concisely state the correct factual finding, correct reasoning, and correct conclusion being advocated.

[{3}] (c) Include any memorandum of law the petitioner wishes to submit.

[XXVII-] XXVIII. Within 30 days after a final decision, the presiding officer may reconsider, revise or reverse any final action on the presiding officer's own motion. If reconsideration is based upon the existing record, prior notice shall not be given to the parties. If the presiding officer believes further information or argument should be considered, the parties shall be provided with an appropriate notice and opportunity to be heard before any revision is made in the previous action.

[XXVIII-] ~~The filing of a motion for reconsideration shall not operate as a stay of any order or decision, but a motion for stay may be combined with a motion for reconsideration.~~

XXIX. *During the process outlined in this section, any preliminary order, such as a summary cease and desist order, shall remain in full force and effect. Further, during the process of reconsideration or appeal, any order or decision shall not be stayed. However, the presiding officer or the secretary before whom the case is may consider a motion for stay.*

9 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill makes various changes to securities regulation laws, including increasing criminal penalties. Referred to the Committee on Criminal Justice and Public Safety.

HB 509-FN, relative to drinking water at temporary mass gatherings. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna C. Mauro for Commerce and Consumer Affairs: This bill requires an operator of a temporary mass gathering to ensure that safe drinking water is available to participants. The committee felt that the licensing agencies at the local level should be addressing these issues. Vote 16-0.

HB 59, establishing a committee to study modification of the education laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Stuart Gile for Education: The committee understands the need for periodic and systematic review of all statutes and is sympathetic to the sponsor's intent. However, there are 1400 pages of education laws with associated rules and policies to be reviewed and a report to be completed by November 2, 2011. The majority of the committee agreed that the scope of the study was too broad. Vote 15-2.

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire. **OUGHT TO PASS.**

Rep. Rick M. Ladd for Education: Best practices and high academic standards are necessary components of a quality education. The NH board of education approved the common core standards developed through a joint project of the National Governor's Association Center for Best Practices

and the Chief State School Officers. As of May 24, 2010, the department of education (DOE) had not yet received unformatted math standards. The state board of education approved the common core standards in principle on July 8, 2010. Eleven states received "Race to the Top" funding totaling \$4.35 billion to implement core standards, while NH received nothing but continues to move forward with the adoption process. NH already has an adopted curriculum framework with academic standards. Yes, those standards may require improvement, but this process should be a result of the NH DOE working closely with local school boards, educators and NH residents. Implementing the new curriculum standards will also be expensive: textbooks, testing design and implementation, teacher training, etc. This bill clearly states that common core standards shall not be adopted by rule pursuant to RSA 541-A, or included or implemented in any way in New Hampshire curriculum frameworks, or used as a measure of an adequate public education without prior approval of the general court. Vote 17-0.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute. **OUGHT TO PASS.**

Rep. Barbara E. Shaw for Education: The Upper Valley Educators Institute currently provides an extensive program giving the opportunity for people in trades or the business world to enter the teaching profession. With internship and course studies, graduates would then be allowed further degree-granting subject to the authority of the postsecondary education commission. Vote 17-0.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilote for Executive Departments and Administration: This bill was introduced at the request of the department of justice. RSA 490:28 currently limits the maximum amount of annual and sick leave that employees who transfer, without a break in service, from the judicial branch to either the legislative or executive branch of state government to the amount that employees of the receiving branch may accumulate. These are the current limits for employees who transfer from other branches to the judicial branch. This bill and amendment clarifies that the rate of accrual of these benefits shall also be that of the receiving branch. Vote 16-0.

Amendment (0049h)

Amend RSA 490:28, II as inserted by section 1 of the bill by replacing it with the following:

II. Any full-time judicial branch employee who transfers from the judicial branch to state service in the executive branch or the legislative branch, without a break in service, may transfer all earned annual leave, sick leave, longevity pay, and bonus time already accumulated in the judicial branch, to the receiving branch of state government. The maximum amount of accumulated annual and sick leave that may be transferred shall be limited to the amount of annual and sick leave that employees of the receiving branch may accumulate, *the rate of accrual shall be according to continuous years worked and, upon transfer, the employee's rate of accrual shall be the rate of accrual of the receiving branch.* No leave granted at the outset of service, or without a relationship to the length of employment shall be included in earned leave.

AMENDED ANALYSIS

This bill clarifies that for judicial branch employees who transfer without a break in service from the judicial branch to state service in the executive branch or the legislative branch, the rate of accrual of annual and sick leave shall be according to continuous years worked and, upon the employee's transfer, the rate of accrual shall be the rate of accrual of the receiving branch.

HB 239, prohibiting a state agency from establishing a fee without legislative approval. **INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for Executive Departments and Administration: This bill is unnecessary and unworkable. It prohibits a state agency from establishing a fee without legislative approval. Under JLCAR procedures it is unnecessary. Every rule already is vetted for being authorized by legislation. To the extent that the bill would require every fee to be based on legislation specifying a precise fee or an acceptable fee range, it would require multiple bills to authorize existing rules and fees. Vote 16-0.

HB 245, establishing a committee to study election of the attorney general by the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell C. Day for Executive Departments and Administration: This bill would establish a study committee composed of three members of the House of Representatives and two members of the state Senate to study the feasibility of amending the New Hampshire constitution to provide for the election of the attorney general. In the last 36 years there have been 17 proposals to change the manner in which the attorney general is selected. All these proposals have been rejected by the Legislature. Politicizing the selection process could infuse the process with the appearance of a conflict of interest. Concerns also would be that the incumbent could spend an undue amount of time campaigning for the position and not focused upon the duties of the position. There is also the issue of accepting campaign donations. Our citizens expect the chief law enforcement person to be above reproach. New Hampshire has a process of checks and balances in place whereby the governor of the state nominates and the executive council confirms the nominee. We do not feel that there is a need to change this process. Vote 16-0.

HB 252-L, repealing provisions regarding applications for hawkers' and peddlers' licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for Executive Departments and Administration: This bill perfectly illustrates that good intentions can produce bad unintended consequences. It would amend RSA 31:102-a regarding hawkers, peddlers, and itinerant vendors so as to reduce the fees for a local license and would repeal the requirement for a criminal background check. The testimony was overwhelmingly against the bill. Laconia Bike Week uses high fees to pay the town's costs for running this event. Parents and police demand the ability to do background checks of vendors who are in close contact with young children. Vote 16-0.

HB 253, establishing a committee to determine the value of professional licensing and disciplinary practices in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M. Vita for Executive Departments and Administration: This bill would establish a committee to determine the value of professional licensing and disciplinary practices in New Hampshire. This bill is essentially a committee to study existing boards. As such it is another level of bureaucracy that is of doubtful value to the state. The time and effort spent on staffing this committee would be better spent determining whether there is any benefit at all to the state of licensing. Vote 14-1.

HB 272-FN, requiring hearing aid dealers to post a surety bond. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for Executive Departments and Administration: The committee heard persuasive testimony from knowledgeable witnesses that this bill, though well-intentioned, is both unnecessary and unworkable. Several dealers testified that surety bonds of the type mandated by the bill are unavailable in the insurance market. Further, hearing aid warranties are provided by manufacturers, not dealers. Lastly, the type of difficulties which prompted the bill sponsor to bring this legislation all traced back to one franchise operation, which has since gone out of business. Vote 16-0.

HB 279, relative to gifts, grants, or donations received by the governor's commission on disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J. Winter for Executive Departments and Administration: This bill would permit an expansion of the authority of the governor's commission on disability to advertise for gifts, grants or donations from individuals or corporations. The purposes of the commission are education and awareness outside the disability community. No funds are used for any direct services to or for the disabled. The committee finds the bill unnecessary. Vote 15-0.

HB 364, relative to the membership of the state committee on aging. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill amends RSA 161-F:7 in re the state committee on aging membership and duties. (1) It eliminates the provision that no more than 8 of the 15 members appointed by the governor with the approval of the executive council be of the same political party. (2) The amendment provides for the quorum to consist of a majority of the current members eliminating a potential problem in the event of vacancies in the membership, and (3), adds advising the commissioner and advocating solutions to provide for better integration of older persons in the social and economic life of the state to the duties of the committee. Vote 16-0.

Amendment (0318h)

Amend RSA 161-F:7, I as inserted by section 1 of the bill by replacing it with the following:

I. There shall be a state committee on aging which shall consist of 18 members. The governor shall appoint 15 members with the approval of the *executive* council. Those appointed by the governor

shall include at least one member from each county. The committee shall also include a legislator appointed by the chair of the oversight committee on health and human services, one representative appointed by the speaker of the house, and one senator appointed by the president of the senate. Each of the members shall serve for a term of 3 years except the legislative members' terms shall be co-terminus with their 2-year legislative terms. At least 8 members shall be 60 years of age or older at the time of their appointment [~~and not more than 8 members shall be of the same political party. Nine~~]. **A majority of the current** members shall constitute a quorum. No member shall serve more than 2 consecutive terms, and no member shall have a material financial interest in any agency receiving federal or other funds administered by the [~~division~~] **bureau** of elderly and adult services.

HB 384, prohibiting the office of energy and planning from requiring social security numbers from applicants of any program administered by the office, except when required under federal law or regulation. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth H. Gould for Executive Departments and Administration: This bill seeks to maintain personal privacy. The sponsor and the ACLU are persuasive on this subject. However, the agency needs to prevent fraud in the use of taxpayer funds. Social security numbers are carefully guarded, but are needed in processing applications for fuel and other utility assistance. The committee wants to protect against fraudulent use of tax dollars. Vote 16-0.

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security. **OUGHT TO PASS.**

Rep. Mark L. Proulx for Executive Departments and Administration: This bill is a request of the department of safety. This bill is a housekeeping bill that transfers certain responsibilities to the proper divisions. The bill transfers responsibility for nuclear emergency response plan to the division of homeland security. It also transfers responsibility for hazardous materials transportation to the advisory committee on emergency preparedness and security. It will place wartime emergency fire assistance coordination within the purview of the state fire marshal. Finally it establishes an annual reporting requirement for the bureau of EMS. Vote 14-0.

HB 413, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees. **OUGHT TO PASS.**

Rep. Mark L. Proulx for Executive Departments and Administration: This bill will look to see if there is duplication of duties and possible consolidation of committees that have emergency management duties. Vote 15-0.

HB 320, requiring the construction of a clock tower as part of the Hampton seashell complex. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Finance: The sponsor noted that he filed this bill at the request of a constituent but has since decided that we should ITL it. The committee learned that all the funds allotted for the Hampton seashell complex have been expended. There was also some question about whether a clock tower might block view of the stage. Thus, the committee is happy to comply with the sponsor's request for ITL. Vote 16-0.

HB 498-FN, relative to weed control along certain state routes. **INEXPEDIENT TO LEGISLATE.**

Rep. Beverly T. Rodeschin for Finance: The committee has determined that it is inappropriate to bond operating expenses for roadside work. Vote 17-0.

HB 570, relative to licensure of guides by the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H. Watters for Fish and Game and Marine Resources: Introduced at the request of the fish and game department, this bill exempts licensed operators of for-hire vessels from licensure as guides, while operating in coastal and estuarine waters. Licensure as a vessel operator includes the training and other qualifications of a guide. Vote 14-0.

Amendment (0067h)

Amend the bill by deleting section 1 and renumbering the original sections 2 and 3 to read as 1 and 2, respectively.

AMENDED ANALYSIS

The bill exempts persons licensed as operators of for-hire vessels for recreational fishing in coastal and estuarine waters from requirements from licensure as a guide.

This bill is a request of the fish and game department.

HB 481-FN, relative to the definition of disability for aid to the permanently and totally disabled. **INEXPEDIENT TO LEGISLATE.**

Rep. John M. Reagan for Health, Human Services and Elderly Affairs: This bill would take away a safety net for the poorest of our citizens. It would shift costs to city and town welfare departments as a result for those who are either denied Supplemental Security Income (SSI) or have a case pending an appeal. Vote 16-0.

CACR 2, relating to the tenure of judges. Providing that the general court may specify the term of office served by a judge. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: At present, Article 73, Part II of the Constitution specifies that judges hold their offices during good behavior. This constitutional amendment concurrent resolution would amend Article 73 by vesting in the legislature authority to make exceptions to this rule by statute. While some members of the committee were receptive to the idea of term limits for judges, all agreed that this resolution was not a suitable vehicle for pursuing this objective. The broad authority this resolution would confer could result, among other things, in different judges on the same court having different terms of office, in individual term limits being legislated with respect to individual judicial appointments, and generally in unduly threatening the independence of the judiciary. Vote 15-0.

HB 128, requiring tenants to execute a financial affidavit as part of the eviction process. **INEXPEDIENT TO LEGISLATE.**

Rep. Norman A. Tregenza for Judiciary: The purpose of this bill is to mandate that if the court renders a money verdict against a tenant in default, that the tenant shall within 7 days submit a financial affidavit and current address. A tenant would be subject to a \$300 fine for failing to supply this information to the court. The committee felt that this bill exceeded the bar of fair balance between landlord and tenant. Vote 17-0.

HB 286, changing district court jurisdiction over the town of Weare. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would have changed district court jurisdiction over the Town of Weare from the Goffstown district to the Henniker-Hillsborough district. It had been filed at the request of the police chief of Weare, who after the bill had been introduced decided that the change was not needed after all, and requested the sponsors that it be withdrawn. Vote 15-0.

HB 297, allowing municipalities to establish municipal courts. **INEXPEDIENT TO LEGISLATE.**

Rep. Lenette M. Peterson for Judiciary: The bill would allow municipalities to create local courts to enforce violation level offenses. The committee felt this would be an extra burden on the towns financially and there was not enough information towards salaries. Vote 16-0.

HB 346, to incorporate the bar association of the state of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: The stated purpose of this bill is to incorporate the bar association of the state of New Hampshire. The language proposed in the bill to accomplish the incorporation is the same as that which was actually used to charter the bar association of the State of New Hampshire in 1873, although the name of the organization was changed in 1967 to the New Hampshire bar association. Today, the bar association exists as a private not-for-profit corporation. Passage of this bill would, because of the name change, create a new and parallel bar association. The committee was not persuaded that there is any need for this duplication of effort. Vote 13-1.

HB 436, establishing a committee to study the guardian ad litem board. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would establish a committee to study the membership, duties and organizational structure of the guardian ad litem board established under authority of RSA 490-C, and to report to the legislature and governor its findings and recommendations for any

proposed remedial legislation. This is one of several bills that have been referred to the committee on the functioning of the various components of the family court system. The committee concluded that HB 614 provides a better, more economical vehicle for undertaking a review of the guardian ad litem board than this bill. Vote 14-0.

HB 534-FN-A, relative to nonprofit reporting requirements with the division of charitable trusts, department of justice and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.** Rep. Gregory M. Sorg for Judiciary: This bill calls for the appropriation of \$45,000 to the division of charitable trusts of the department of justice for the purpose of paying the startup costs to allow the electronic filing of the reporting forms required under authority of RSA 7:28. The committee was intrigued by the efficiencies such a change could bring about, but concluded that by reason of the budget constraints that this session of the Legislature has made a priority, coupled with the testimony of the assistant director that the activities of the division are already fully funded by the fees charged to regulated trusts, this bill should not be passed this year. Vote 16-1.

HB 270-FN-L, relative to cost recovery for emergency services. **INEXPEDIENT TO LEGISLATE.** Rep. Timothy D. Copeland for Municipal and County Government: This bill is discriminatory in nature to the general public at large who are not residents of a municipality whose emergency services respond to an incident within that municipality, then charges a fee for services rendered to only non residents of that municipality through a current insurance policy, if insured. This bill could possibly instill fears in people that have knowledge of its existence, if it becomes law, giving people reservations about calling for those services, generating insurance claims and possible increases in their insurance policy renewals. People should not fear calling for help when in distress or disabled. Vote 15-0.

HB 288-FN-L, relative to payment for election services to unincorporated places. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: Unincorporated places usually have no residents living in them. However, Hales Location in Carroll County now has 136 registered voters and are designed by the secretary of state to vote in the town of Conway. HB 288 would enable the county in which the unincorporated place is located to pay the town where the residents vote the costs of the election. Those costs will be charged to the unincorporated place so this will have no fiscal impact on any other county taxpayers. Vote 15-0.

HB 303-FN, relative to the regulation of planned unit developments. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Coffey for Municipal and County Government: This bill is unnecessary because the subject is presently well regulated by the municipalities local planning and zoning authority. This bill as written will usurp local planning and zoning regulations by subjecting the final approval of a planned unit development to a popular vote without any method of appeal for the property owner. Vote 15-0.

HB 319, relative to the use of clotheslines. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Stroud for Municipal and County Government: Restrictions on the use of clotheslines contained in the bylaws of co-op, condominium and homeowners' associations are private contracts. These binding contracts are entered into voluntarily, and can be amended by mutual consent of all parties. Vote 13-0.

HB 406-L, relative to the additional fee for the licensing and restraining of dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Coffey for Municipal and County Government: This bill allows local governing bodies to raise the fee for a dog license up to three dollars over the regular fee set by statute. The committee believes that it is inappropriate to promote increases in fees or taxes at this time. Vote 15-0.

HB 44, designating segments of the Oyster River as a protected river. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill designates segments of the Oyster River as a protected river. The Oyster River watershed association held a very successful outreach of the riparian landowners and all four towns the river passes through. Some of this nomination consists of lower than fourth order rivers. With a current strong statewide opposition to

some of the comprehensive shoreland protection act (CSPA) rules, the committee amended the bill exempting “all first, second, and third order rivers from CSPA setback requirements”, thus protecting all the hard work of the nominating committee, and the wishes of the local residents and communities. The New Hampshire department of environmental services (DES) report to the general court clearly illustrates that the general court should adopt this designation into legislation. Vote 16-0.

Amendment (0120h)

Amend the title of the bill by replacing it with the following:

AN ACT designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

Amend RSA 483:15, XVII as inserted by section 1 of the bill by replacing it with the following:

XVII. Oyster River:

(a)(1) As a rural-community river immediately downstream of the Hall Road Bridge in Barrington to the upstream side of Old Mill Road in Lee.

(2) As a rural river from the upstream side of Old Mill Road in Lee to the upstream side of Route 155 crossing in Lee.

(3) As a rural-community river from the upstream side of Route 155 crossing in Lee to the upstream side of the Oyster River Dam in Durham.

(4) As a community river from the upstream side of the Oyster River Dam in Durham to the Mill Pond Dam in Durham.

(b) All 1st, 2nd, and 3rd order portions of the Oyster River shall be exempt from the comprehensive shoreland protection act under RSA 483-B.

AMENDED ANALYSIS

This bill designates segments of the Oyster River as a protected river.

This bill exempts 1st, 2nd, and 3rd order portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

HB 278, setting the natural high water mark of Ossipee Lake. OUGHT TO PASS WITH AMENDMENT.

Rep. Harry C. Merrow for Resources, Recreation and Development: In 1933, the natural high water mark of Ossipee Lake was set at 410' Mean Sea Level (MSL). There is no record of how this is set. This is a dammed lake, so the natural high water mark is considerably less. The department of environmental services (DES) is in agreement with this. The 410' MSL mark is causing considerable problems as many lots are below 410' and buildings were constructed prior to the shoreline protection act. As a result of this, building permits are being denied and DES has indicated to some people that they don't own the land their home is built on. Ossipee, Freedom and Effingham get a huge amount of taxes from the lake. These taxes could be in jeopardy if this were not passed. Selectmen from all three towns support this bill. Extensive testimony indicated that 407.25' MSL was the proper elevation to use. Vote 15-0.

Amendment (0297h)

Amend RSA 271:20, III as inserted by section 1 of the bill by replacing it with the following:

III. The natural high water mark of Ossipee Lake as set by the general court is 407.25 feet above mean sea level.

HB 336, designating segments of the Mascoma River as a protected river. OUGHT TO PASS.

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill nominates a little over 25 miles of the Mascoma River as a protected river, including 2.8 miles that pass through a portion of the Mascoma Lake. All of this nominated portion is a fourth order river resulting in no additional CSPA setback requirements. This portion is extremely rich in culture, scoring 60 out of a possible 60 points, in this nomination category. Three years of riparian landowner and watershed community outreach resulted in unanimous support for this nomination. The New Hampshire department of environmental services (DES) report to the general court clearly illustrates that the general court should adopt this designation into legislation. Vote 15-0.

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river. OUGHT TO PASS.

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill adds the remaining downstream portion of the Exeter/Squamscott River to the tidal segment. This addition is all fourth order river, highly supported by the three towns it passes through and their residents. This addition to the already protected river is only a little over eight miles. Vote 13-0.

HB 216, relative to the instructional authority of school boards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David W. Hess for Special Committee on Education Funding Reform: This bill affirms in statute current and recommended practices already followed in many school districts. It reinforces one of the most critical roles our local school boards play in the partnership with the state to provide a quality education to our children. It enshrines at the local level the duty to adopt instructional policies to ensure teacher accountability and implement substantive state standards, guidelines and criteria while retaining local flexibility in carrying out those responsibilities. Finally, the amendment to this bill clarifies that this local school board authority extends to all schools under its jurisdiction, but not to charter schools or home schoolers located within its geographical boundaries. Vote 13-0.

Amendment (0207h)

Amend RSA 189:1-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Elected school boards shall be responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. To accomplish this end, and to support flexibility in implementing diverse educational approaches, school boards shall establish, in each school operated and governed in its district, instructional policies that establish instructional goals based upon available information about the knowledge and skills pupils will need in the future.

AMENDED ANALYSIS

This bill requires school boards to be responsible for establishing the structure, accountability, advocacy, and delivery of instruction.

HB 299-FN, relative to the method of financing for the judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Special Committee on Public Employee Pensions Reform: This bill would allow the judicial retirement system RSA 100-C to use a 30 year time period to pay off the unfunded liability that the NH Retirement System uses instead of the Twenty year time period now used. It would result in a \$409,000 per year savings in state payments to the system. Vote 11-0.

Amendment (0140h)

Amend the bill by replacing section 1 with the following:

1 Method of Financing; Unfunded Accrued Liability. Amend RSA 100-C:13, III(d) to read as follows:

(d) Immediately following the actuarial valuation prepared under paragraph I, the board shall have an actuary determine the amount of the unfunded accrued liability as the amount of the total liabilities of the state annuity accumulation fund which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund, and the normal contributions to be made on account of the members during the remainder of their active service. The amount so determined shall be known as the "unfunded accrued liability." On the basis of the unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of ~~[20 years from the date of implementation of this chapter]~~ **30 years or the maximum period allowed by standards adopted by the Government Accounting Standards Board, whichever is less.**

HB 537-FN, reducing retirement allowances paid by the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J. Winter for Special Committee on Public Employee Pensions Reform: Prior to the hearing on this bill, the committee was presented a testimony letter from the NH Retirement System stating that the bill as written was contrary to Internal Revenue Service Code to qualify the plan for favorable tax treatment (a tax exempt plan.) As a result of that information, the committee had no choice other than to recommend ITL for this bill. Vote 12-0.

HB 132, adopting and implementing the United States flag code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H. McCarthy for State-Federal Relations and Veterans Affairs: This bill adopts the United States flag code, codified at 4 USC sections 1 through 10, as amended, and the provisions of this chapter are herein adopted as the flag code for the state of New Hampshire. This bill will provide uniform guidelines for display, use and handling of the United States flag. The bill also includes additional occasions on which the flag may be flown at half-staff and provides that prohibitions on flying the flag at one's place of residence are unenforceable. Vote 11-0.

Amendment (0260h)

Amend RSA 3-E:3 as inserted by section 1 of the bill by replacing it with the following:

3-E:3 Flag Display. No rule, ordinance, or agreement of any kind by a person, municipality, or other entity shall prohibit the flying of the United States flag from a private residence owned, rented, or used by a private person. Reasonable restrictions regarding the size of the flag or the manner in which the flag is displayed may be adopted and enforced.

Amend RSA 356-B:47-a as inserted by section 2 of the bill by replacing it with the following:

356-B:47-a Flag Display. Pursuant to the Freedom to Display the American Flag Act of 2005, Public Law 109-243, and notwithstanding any provision in the condominium instruments to the contrary, the unit owners' association shall not prohibit the outdoor display of the United States flag in a manner consistent with the United States flag code and RSA 3-E. The association may adopt reasonable rules regarding the size of the flag and the manner in which the flag is displayed. When a flag is flown from the unit owner's balcony or deck, from a bracket, the flag may extend over the vertical line of the unit owner's outboard deck line, which would put the flag into the common area, versus the unit owner's private space.

HB 285, prohibiting smoking in motor vehicles when a passenger under the age of 16 is in the vehicle. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard W. Hinch for Transportation: This bill prohibits smoking in motor vehicles when a passenger under the age of 16 is in the vehicle. The transportation committee was nearly unanimous in its opinion that this bill is unnecessary and unenforceable. Although the sentiment of the committee was that smoking is a severe health issue and we must be concerned about the adverse affects of second hand smoke, law enforcement indicated that such a law would be an enforcement nightmare. Vote 14-1.

HB 399, relative to nonresident registration of motor vehicles. **OUGHT TO PASS.**

Rep. John R. Cloutier for Transportation: This bill would allow nonresidents who exclusively "garage" or keep their vehicles in New Hampshire to register their vehicles in our state as a nonresident. This bill amends present law which states that nonresidents could register their vehicles in the state as nonresidents if they garaged or kept their vehicles primarily in New Hampshire for at least 350 days per year. Testimony was given at the bill's public hearing that many of our state's city and town clerks believe that present law is unenforceable and costs our municipalities the loss of revenue from uncollected fees. Thus, the city and town clerks support passage of this bill. Vote 13-2.

HB 502-FN, relative to low-digit number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: This bill would have every license plate from 1 to 9999 that is currently on a vehicle taken from the owners regardless of how long these people have had these plates - 1 year to 40 or 50 years. It would then set up a lottery system and if you were lucky enough to win a plate it will cost you a minimum of \$250 extra. This is setting up a new category of plates for the rich. The average working or retired person would in most cases be unable to pay the extra fee even if they were lucky in the lottery. This would be an extravagant new fee on thousands of our citizens. Vote 14-0.

HB 72-FN-A, establishing a state aeronautical fund. **OUGHT TO PASS.**

Rep. Joe Osgood for Ways and Means: This bill establishes a state aeronautical fund and authorizes the commissioner of the department of transportation to accept donations to the fund. The moneys in the fund shall be non-lapsing and continually appropriated to the Department for the purposes of funding maintenance and for planning and implementing capital improvements for the public airport system located within the state. This is especially helpful to airports that receive no federal funds. Vote 18-1.

HB 209, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means: This bill would establish a study committee to determine if there is a better way in which the legislature can do its revenue estimating. The committee would be charged with investigating if there are more accurate approaches to projecting revenue. The committee would reach out to other state legislatures, corporations, and others to determine whether there are other revenue estimating approaches that have proven to result in more accurate estimates. The bill was amended to increase the House representation to four on the committee, to broaden the type of economists that the committee would be able to solicit testimony, and to insure that cost would be determined for each alternative revenue projection approach presented. It was the unanimous belief of the committee that it should always attempt to improve upon its revenue projection techniques. Vote 18-0.

Amendment (0379h)

Amend subparagraph I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

Amend paragraph III as inserted by section 3 of the bill by replacing it with the following:

III. Study the processes, formal structure, and costs that other states have put in place to manage both short and long term economic and revenue forecasting, and compare their records of success with that of New Hampshire.

Amend paragraph V as inserted by section 3 of the bill by replacing it with the following:

V. Solicit information and testimony from individuals and entities with experience or expertise relevant to the study, including:

- (a) The governor's budget director.
- (b) The commissioner of the department of revenue administration.
- (c) The commissioner of the department of administrative services.
- (d) The heads of other government agencies that contribute substantially to state revenues.
- (e) The legislative budget assistant.
- (f) Economists.
- (g) Members of the New Hampshire business community.

HB 469-FN-A, establishing a credit against the business enterprise tax for operators collecting meals and rooms taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill Ohm for Ways and Means: This bill would have established a 5 percent credit against the BET for operators collecting meals and rooms taxes on top of the 3 percent commission they currently get. The committee was concerned that the bill would create an unconstitutional special class of taxpayers. A straightforward alternative would have been to simply increase the 3 percent commission now being paid. Vote 18-0.

REGULAR CALENDAR

HB 172, relative to transporting school children to school and school-supported activities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for Education: This bill would continue the practice that was in effect until a few years ago. This bill would allow local school districts to transport students in school district vehicles or their contracted vehicles with their own drivers. This bill will save local districts money. Vote 16-1.

Amendment (0094h)

Amend RSA 259:96-a as inserted by section 2 of the bill by replacing it with the following:

259:96-a Mixed Use School Bus. "Mixed use school bus" shall mean a [~~privately owned~~] vehicle, including a station wagon, suburban, *passenger van*, panel body vehicle, [~~and vehicles~~] *or vehicle converted to a school bus, [but excluding a passenger vehicle;]* *which bears a valid state inspection sticker and is employed principally in transporting schoolchildren to and from school or school activities [by virtue of a contract with a school board authority].*

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 631-FN-L, repealing the requirement that all school districts offer public kindergarten. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ralph G. Boehm for Majority of Education: This bill was introduced because of the questionable constitutional mandate of a couple of years ago. However, since every school district now has kindergarten, this bill would be superfluous. Vote 12-3.

Rep. J. R. Hoell for the Minority of Education: This bill is not about eliminating kindergarten; this bill is about giving local control to the voters to determine how best to finance and educate the children residing in their district. The previous legislation (2008, Ch. 384, SB 530) specifically bypassed voter approval on creating and expanding school systems at the local level. The town of Hudson in 2009 voted 2046 to 1053 against spending the \$1.2 million on expanding their school system and went to court to oppose this statewide mandate. This bill removes this state mandate and restores back to local control, issues important to the voters regarding the education of the children in their district.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Boehm and Gile spoke in favor.

Rep. Dan McGuire spoke against.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 213 NAYS 134

YEAS 213

BELKNAP

Accornero, Harry
Pilliod, James

Bolster, Peter
St. Cyr, Jeffrey

Fields, Dennis
Tilton, Franklin

Greemore, Robert
Tobin, William

CARROLL

Babson, David Jr
Pettengill, Laurie

Fleck, Joseph
Scala, Dino

Knox, J. David
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Byrnes, John
Dwinell, Richard
Lindsey, Steven
Parkhurst, Henry
Sterling, Franklin Jr

Carr, Daniel
Emerson, Susan
Meador, David
Roberts, Kris
Tatro, Bruce

Cartwright, Anne
Hawkes, Samuel
Moore, Charles
Sad, Tara
Weber, Lucy

Chase, Cynthia
Johnson, Jane
Moore, Robert Jr
Smith, Edwin
Weed, Charles

COOS

Coulombe, Gary
Remick, William

Daugherty, Duffy
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn

GRAFTON

Aguir, James
Cooney, Mary
Ladd, Rick Jr
Reilly, Harold Sr
Sorg, Gregory

Almy, Susan
Eaton, Stephanie
Nordgren, Sharon
Shackett, Jeffrey
Taylor, Kathleen

Benn, Bernard
Gould, Franklin
Pastor, Beatriz
Simard, Paul
Townsend, Charles

Brosseau, Charles
Harding, Laurie
Pierce, David
Smith, Suzanne
White, Andrew

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Campbell, David
Cusson-Cail, Kathleen
Fredette, Robert
Garrity, Patrick
Gonzalez, Carlos
Hardwick, Harry
Hutchinson, Winfred
Long, Patrick
Parison, James

Ball, J. Michael
Brown, Kevin
Cebrowski, John
Doherty, Shaun
Gagne, Larry
Gidge, Kenneth
Gorman, Mary
Hogan, Edith
Judy, Jean
Messier, Irene
Pellegrino, Tony

Baroody, Benjamin
Brownrigg, Randall Jr
Christiansen, Lars
Drisko, Richard
Gandia, Laura
Gimas, John
Graham, John
Holden, Frank
Kurk, Neal
Moran, Edward
Pilotte, Maurice

Barry, Richard
Brunelle, Michael
Condra, William
Flanagan, Jack
Gargas, Carolyn
Goley, Jeffrey
Hansen, Peter
Hopper, Gary
Levasseur, Nickolas
Palmer, Barry
Porter, Marjorie

Proulx, Mark
 Rosenwald, Cindy
 Sullivan, Daniel
 Whitehead, Randall

Reed, Michael
 Rowe, Robert
 Terrio, Ross

Rhodes, Brian
 Seidel, Carl
 Twombly, Timothy

Rokas, Ted
 Souza, Kathleen
 Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
 Frazer, June
 Keane, Thomas
 Lockwood, Priscilla
 Potter, Frances
 Williams, Robert

Bouchard, Candace
 Gile, Mary
 Kidder, David
 MacKay, James
 Richardson, Gary

Deloge, Helen
 Giuda, J. Brandon
 Kotowski, Frank
 Owen, Derek
 Shurtleff, Stephen

DeStefano, Stephen
 Hill, Gregory
 Lauer-Rago, Kathleen
 Patten, Dick
 Watrous, Rick

ROCKINGHAM

Abrami, Patrick
 Cali-Pitts, Jacqueline
 Copeland, Timothy
 Garrity, James
 Introne, Robert
 Lundgren, David
 McKinney, Betsy
 Norelli, Terie
 Powers, James
 Sanders, Elisabeth
 Smith, William
 Tucker, Pamela

Allen, Mary
 Case, Frank
 Devine, James
 Gould, Kenneth
 Itse, Daniel
 MacMahon, Bruce
 Moody, Marcia
 O'Connor, John
 Quandt, Marshall
 Sapareto, Frank
 Sullivan, James
 Waddell, James

Antosz, Jason
 Chirichiello, Brian
 DiPentima, Rich
 Headd, James
 Katsakiores, Phyllis
 Major, Norman
 Murphy, Brian
 Pantelakos, Laura
 Read, Robin Jr
 Schlachman, Donna
 Sullivan, Kevin
 Ward, Joanne

Birdsell, Regina
 Comerford, Timothy
 Fesh, Robert
 Hutchinson, Karen
 Lovejoy, Patricia
 Mauro, Donna
 Nevins, Chris
 Peckham, Michele
 Reichard, Kevin
 Sedensky, John
 Tamburello, Daniel
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Grassie, Anne
 Kaen, Naida
 Schmidt, Peter
 Watters, David

Berube, Roger
 Hofemann, Roland
 Keans, Sandra
 Spainhower, Dale

Browne, Brendon
 Hooper, Dorothea
 Pelletier, Marsha
 Spang, Judith

Ginsburg, Philip
 Horrigan, Timothy
 Roberts, Jenna
 Wall, Janet

SULLIVAN

Cloutier, John
 Lovett, Charlene

Gagnon, Raymond
 Rodeschin, Beverly

LaCasse, Paul Sr
 Schmidt, Andrew

Lefebvre, Benjamin

NAYS 134

BELKNAP

Comtois, Guy
 Russell, David

Kingsbury, Robert
 Simpson, Tyler

Luther, Robert
 Swinford, Elaine

Malone, Robert
 Worsman, Colette

CARROLL

Chandler, Gene
 Tregenza, Norman

McCarthy, Frank

Morrow, Harry

Patten, Betsey

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bulis, Lyle
 Sova, Charles

Gionet, Edmond

Ingbretson, Paul

Mirski, Paul

HILLSBOROUGH

Avard, Kevin
 Bergevin, Jerry
 DeJong, Cameron
 Haefner, Robert
 Katsiantonis, Thomas
 Maltz, Jonathan
 McGuinness, Sean
 Ohm, Bill
 Robbins, David
 Stepanek, Stephen
 Vaillancourt, Steve

Barry, J. Gail
 Burt, John
 Donovan, Daniel
 Hikel, John
 Krasucki, Joseph
 Marcus, Bruce
 Mecheski, Holly
 Palmer, Stephen
 Scontsas, Lisa
 Stroud, Kathleen
 Villeneuve, Moe

Belanger, James
 Coffey, James
 Erickson, Duane
 Hinch, Richard
 Lambert, George
 McCarthy, Michael
 Notter, Jeanine
 Peterson, Lenette
 Silva, Peter
 Swank, Matthew
 Warden, Mark

Belvin, William
 Daniels, Gary
 Greazzo, Phil
 Jasper, Shawn
 LeBrun, Donald
 McClarren, Donald
 Ober, Russell III
 Renzullo, Andrew
 Soucy, Connie
 Thomas, Joseph
 Willette, Robert

MERRIMACK

Coffey, Jennifer
 Kreis, Kenneth Sr
 McGuire, Dan
 Smith, Todd

Cohn, Seth
 Lindsley, Mark
 Reed, Dennis
 Winter, Steven

Cox, Sean
 McDonnell, John
 Sanborn, Laurie

Hoell, J.R.
 McGuire, Carol
 Seaworth, G. Brian

ROCKINGHAM

Azarian, Gary
 Brown, Paul
 Duarte, Joe
 Griffin, Mary
 Kolodziej, Walter
 Oigny, Jeffrey
 Ritter, Glenn
 Sytek, John
 Webb, James

Baldasaro, Alfred
 Charron, Gene
 Elliott, Robert
 Hagan, Joseph
 Manuse, Andrew
 Quandt, Matt
 Schroadter, Adam
 Tasker, Kyle
 Welch, David

Bates, David
 Davenport, Joshua
 Ferrante, Beverly
 Hoelzel, Kathleen
 McMahon, Charles
 Reagan, John
 Sheffert, Kenneth
 Tremblay, Stella
 Wheaton, Gary

Bettencourt, David
 Dowling, Patricia
 Garcia, Marilinda
 Kappler, Lawrence
 Okerman, Richard
 Rice, Frederick
 Shuler, Wyman III
 Waterhouse, Kevin

STRAFFORD

Cataldo, Sam
 Jones, Kyle
 O'Connor, William
 Vita, Lucien

DeLemus, Susan
 Jones, Laura
 Parsons, Robbie
 Weeden, Michael

Groen, Warren
 Larsen, Kirsten
 Pitre, Joseph

Harty, Martin
 Newton, Clifford
 Vita, Carol

SULLIVAN

Bowers, Spec
 Smith, Steven

Cunningham, Steven

Laware, Thomas

Osgood, Joe

and the majority committee report was adopted.

Rep. Katsiantonis voted Nay and intended to vote Yea.

Rep. Lars Christiansen voted Yea and intended to vote Nay.

HB 417-FN-A, making an appropriation to the milk producers emergency relief fund. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tara A. Sad for the Majority of Environment and Agriculture: Over the past four years, our dairy industry in NH has come perilously close to disappearing from our landscape. For much of 2009, our dairy farms lost approximately \$3 per cow per day, so an average farm – 110 milking cows – lost \$330 per day, \$10,230 per month and \$122,760 per year. This is through no fault of their own. Dairy farmers cannot set the price for their milk, but are at the mercy of the Federal Milk Marketing Order, a convoluted system of pricing based on the commodity futures at the Chicago Mercantile Exchange. The US Secretary of Agriculture recognizing the fact that the pricing system is broken, last year appointed a Dairy Industry Advisory Committee to investigate the problem and make recommendations to revamp the system. Unfortunately, this is tied to the next farm bill which has been delayed until 2013. Our farmers cannot wait for help. Let New Hampshire join Connecticut, Maine, Massachusetts, Vermont and New York in supporting our dairy farmers. The milk producers emergency relief fund was established 2007 and has yet to be funded. The majority feels that it is time we helped our dairy farmers. Vote 9-6.

Rep. Robert J. Malone for the Minority of Environment and Agriculture: This bill appropriates \$2,500,000 to the milk producers emergency relief fund. The state of New Hampshire is in no condition to spend money on bailouts geared towards dairy farming at this point in time. This bill takes money from taxes and fees from struggling individuals and businesses to bailout others that are struggling to turn a profit which doesn't make any sense.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Ladd spoke in favor.

Rep. Groen spoke against.

Rep. Sad spoke in favor and yielded to questions.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 112 NAYS 239

YEAS 112

BELKNAP

Fields, Dennis

Greemore, Robert

CARROLL

Babson, David Jr

CHESHIRE

Carr, Daniel
Hawkes, Samuel
Meador, David
Tatro, Bruce

Cartwright, Anne
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Johnson, Jane
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David
Townsend, Charles

Benn, Bernard
Ladd, Rick Jr
Reilly, Harold Sr
White, Andrew

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

Gould, Franklin
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Garritty, Patrick
Jeudy, Jean
Mecheski, Holly
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Gidge, Kenneth
Katsiantonis, Thomas
Messier, Irene
Rokas, Ted

Campbell, David
Goley, Jeffrey
Levasseur, Nickolas
Pilotte, Maurice
Rosenwald, Cindy

Condra, William
Gorman, Mary
Long, Patrick
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Kidder, David
Patten, Dick
Watrous, Rick

DeStefano, Stephen
Lockwood, Priscilla
Potter, Frances
Williams, Robert

Frazer, June
MacKay, James
Richardson, Gary

ROCKINGHAM

Cali-Pitts, Jacqueline
Hutchinson, Karen
Moody, Marcia
Quandt, Marshall
Sapareto, Frank

Case, Frank
Lovejoy, Patricia
Norelli, Terie
Read, Robin Jr
Schlachman, Donna

DiPentima, Rich
Lundgren, David
Pantelakos, Laura
Reichard, Kevin

Gould, Kenneth
McKinney, Betsy
Powers, James
Sanders, Elisabeth

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale

Brown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

NAYS 239**BELKNAP**

Accomero, Harry
Luther, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Pilliod, James
Swinford, Elaine

Kingsbury, Robert
Russell, David
Tilton, Franklin

CARROLL

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Ober, Russell III
Parison, James
Reed, Michael
Scotsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Belanger, James
Brown, Kevin
Christiansen, Lars
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Coffey, James
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Moran, Edward
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Bergevin, Jerry
Burt, John
Cusson-Gail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon

Coffey, Jennifer
Hill, Gregory

Cohn, Seth
Hoell, J.R.

Cox, Sean
Keane, Thomas

Kotowski, Frank
McDonnell, John
Sanborn, Laurie

Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian

Lauer-Rago, Kathleen
McGuire, Dan
Smith, Todd

Lindsley, Mark
Reed, Dennis
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Matt
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Harty, Martin
Larsen, Kirsten
Pitre, Joseph
Weeden, Michael

Cataldo, Sam
Hofemann, Roland
Newton, Clifford
Vita, Carol

DeLemus, Susan
Jones, Kyle
O'Connor, William
Vita, Lucien

Groen, Warren
Jones, Laura
Parsons, Robbie
Watters, David

SULLIVAN

Bowers, Spec
Laware, Thomas
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene
Smith, Steven

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and the majority committee report failed.

Rep. Bettencourt moved the minority committee report of Inexpedient to Legislate.

Minority committee report adopted.

HB 373, proclaiming June 3 each year in dedication of the sermon by Reverend Samuel McClintock on the commencement of the New Hampshire constitution and relative to the observance of Federal Constitution Days. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration: The committee most reluctantly makes the ITL recommendation. The entire committee wishes to see our constitutions honored by all our citizenry and to see a time set aside for that purpose. The majority was troubled by several things. The calendar already has such observations and that such a proclamation would be of questionable value. The committee did not want to see something of this importance possibly ignored or shrugged off. The minority feels that the civic and educational value is worth the risk. Vote 10-3.

Reps. Bergevin and Winter spoke against.

Rep. Bates spoke against and yielded to questions.

Rep. Sytek spoke in favor.

Rep. Carol McGuire yielded to questions.

Rep. Bergevin requested a roll call; sufficiently seconded.

YEAS 219 NAYS 133

YEAS 219

BELKNAP

Accornero, Harry
Russell, David

Bolster, Peter

Malone, Robert

Pilliod, James

CARROLL

Babson, David Jr
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry

Fleck, Joseph
Patten, Betsey

Knox, J. David
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hawkes, Samuel
Lindsey, Steven
Roberts, Kris
Weber, Lucy

Carr, Daniel
Hunt, John
Meador, David
Sad, Tara
Weed, Charles

Chase, Cynthia
Johnsen, Gladys
Moore, Robert Jr
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Ladd, Rick Jr
Shackett, Jeffrey
Townsend, Charles

Almy, Susan
Eaton, Stephanie
Nordgren, Sharon
Simard, Paul
White, Andrew

Benn, Bernard
Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

Bulis, Lyle
Harding, Laurie
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Belvin, William
Campbell, David
Erickson, Duane
Gidge, Kenneth
Gorman, Mary
Hinch, Richard
Kurk, Neal
Maltz, Jonathan
McGuinness, Sean
Palmer, Barry
Rhodes, Brian
Rowe, Robert
Swank, Matthew
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Flanagan, Jack
Gimas, John
Graham, John
Hutchinson, Winfred
LeBrun, Donald
Marcus, Bruce
Moran, Edward
Pilotte, Maurice
Robbins, David
Shaw, Barbara
Terrio, Ross

Barry, Richard
Brown, Kevin
Cusson-Cail, Kathleen
Gargas, Carolyn
Goley, Jeffrey
Haefner, Robert
Jasper, Shawn
Levasseur, Nickolas
McCarthy, Michael
Ober, Russell III
Porter, Marjorie
Rokas, Ted
Stepanek, Stephen
Thomas, Joseph

Belanger, James
Brunelle, Michael
Drisko, Richard
Garrity, Patrick
Gonzalez, Carlos
Hansen, Peter
Katsiantonis, Thomas
Long, Patrick
McClarren, Donald
Ohm, Bill
Renzullo, Andrew
Rosenwald, Cindy
Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Hill, Gregory
Lockwood, Priscilla
McGuire, Dan
Richardson, Gary
Watrous, Rick

Bouchard, Candace
DeStefano, Stephen
Kidder, David
MacKay, James
Owen, Derek
Seaworth, G. Brian
Williams, Robert

Cohn, Seth
Frazer, June
Kreis, Kenneth Sr
McDonnell, John
Patten, Dick
Shurtleff, Stephen

Cox, Sean
Gile, Mary
Lindsley, Mark
McGuire, Carol
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Devine, James
Elliott, Robert
Garrity, James
Introne, Robert
McKinney, Betsy

Azarian, Gary
DiPentima, Rich
Ferrante, Beverly
Gould, Kenneth
Katsakiores, Phyllis
McMahon, Charles

Cali-Pitts, Jacqueline
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Lovejoy, Patricia
Murphy, Brian

Case, Frank
Duarte, Joe
Garcia, Marilinda
Headd, James
Major, Norman
Nevins, Chris

Norelli, Terie
Powers, James
Reichard, Kevin
Sedensky, John
Tamburello, Daniel
Ward, Joanne

O'Connor, John
Quandt, Marshall
Ritter, Glenn
Smith, William
Tasker, Kyle
Weyler, Kenneth

Oigny, Jeffrey
Read, Robin Jr
Sanders, Elisabeth
Sullivan, Kevin
Tucker, Pamela

Pantelakos, Laura
Reagan, John
Schlachman, Donna
Sytek, John
Waddell, James

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Hooper, Dorothea
Parsons, Robbie
Spang, Judith

Brown, Julie
Grassie, Anne
Kaen, Naida
Pelletier, Marsha
Sprague, Dale

Browne, Brendon
Harty, Martin
Keans, Sandra
Schmidt, Peter
Wall, Janet

DeLemus, Susan
Hofemann, Roland
O'Connor, William
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Schmidt, Andrew

Gagnon, Raymond
Lovett, Charlene

Howard, Thomas
Osgood, Joe

NAYS 133

BELKNAP

Comtois, Guy
Luther, Robert
Tilton, Franklin

Fields, Dennis
Simpson, Tyler
Tobin, William

Greemore, Robert
St. Cyr, Jeffrey
Worsman, Colette

Kingsbury, Robert
Swinford, Elaine

CARROLL

McCarthy, Frank

Pettengill, Laurie

Scala, Dino

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Emerson, Susan

Moore, Charles

Sterling, Franklin Jr

COOS

Richardson, Herbert

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Gionet, Edmond
Sorg, Gregory

Ingbertson, Paul
Sova, Charles

Mirski, Paul

HILLSBOROUGH

Avard, Kevin
Brownrigg, Randall Jr
Condra, William
Donovan, Daniel
Greazzo, Phil
Holden, Frank
Lambert, George
Palmer, Stephen
Proulx, Mark
Silva, Peter
Twombly, Timothy
Willette, Robert

Balboni, Michael
Burt, John
Daniels, Gary
Fredette, Robert
Hardwick, Harry
Hopper, Gary
Mecheski, Holly
Parison, James
Reed, Michael
Soucy, Connie
Ulery, Jordan

Ball, J. Michael
Christiansen, Lars
DeJong, Cameron
Gagne, Larry
Hikel, John
Judy, Jean
Messier, Irene
Pellegrino, Tony
Scontsas, Lisa
Souza, Kathleen
Warden, Mark

Bergevin, Jerry
Coffey, James
Doherty, Shaun
Gandia, Laura
Hogan, Edith
Krasucki, Joseph
Notter, Jeanine
Peterson, Lenette
Seidel, Carl
Sullivan, Daniel
Whitehead, Randall

MERRIMACK

Coffey, Jennifer
Kotowski, Frank
Winter, Steven

Giuda, J. Brandon
Lauer-Rago, Kathleen

Hoell, J.R.
Reed, Dennis

Keane, Thomas
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Chirichiello, Brian
Hagan, Joseph
Kappler, Lawrence
Manuse, Andrew
Quandt, Matt
Sheffert, Kenneth
Waterhouse, Kevin

Antosz, Jason
Birdsell, Regina
Comerford, Timothy
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Rice, Frederick
Shuler, Wyman III
Webb, James

Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Hutchinson, Karen
Lundgren, David
Okerman, Richard
Sapareto, Frank
Sullivan, James
Welch, David

Bates, David
Charron, Gene
Davenport, Joshua
Itse, Daniel
MacMahon, Bruce
Peckham, Michele
Schroadter, Adam
Tremblay, Stella
Wheaton, Gary

STRAFFORD

Berube, Roger
Jones, Kyle
Pitre, Joseph
Weeden, Michael

Cataldo, Sam
Jones, Laura
Roberts, Jenna

Groen, Warren
Larsen, Kirsten
Vita, Carol

Horrigan, Timothy
Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec

LaCasse, Paul Sr

Smith, Steven

and the committee report was adopted.

SPECIAL ORDERED

Rep. Bettencourt moved that **HB 353-FN**, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness, be made a Special Order as the next order of business.

Rep. Bettencourt spoke in favor.

Adopted.

SPECIAL ORDER

HB 353-FN, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: This bill establishes a Medicaid waiver program to try to reduce the sometimes very expensive Medicaid medical payments to support chronically ill and medically fragile children. The waiver allows a parent who wishes to provide nursing support in the home to remain at home and reduces the cost of optional institutional care. One example allows a mother to remain in the home with a stipend of \$28,000 as opposed to the institutional option at \$175,000 per year. This is a program in line with efforts to reduce the Medicaid burden on the state budget. Vote 16-0.

Amendment (0160h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Funding Source. In each year of the biennium ending June 30, 2013, the department of health and human services shall use existing appropriations to the department to fund the pilot program established in section 2 of this act. Notwithstanding any provision of law to the contrary, the department may transfer funds between and among PAU's within the department as may be necessary to fully implement the program with state funds pending the availability of federal matching funds.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

REGULAR CALENDAR (CONT'D)

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. **OUGHT TO PASS.**

Rep. Lawrence B. Perkins for Executive Departments and Administration: This bill would repeal a decision to eliminate the commission on the status of men. The majority believes that this is

an inopportune time for such a hasty decision. The CSM is an unfunded advisory committee that enlightens the legislator on such important issues as mortality rates, prostate cancer and fatherless homes. Vote 13-2.

Committee report adopted and ordered to third reading.

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill came from an ad-hoc study committee over the summer and fall of 2010. It would allow for the consolidation of services of common administrative functions of multiple agencies into one department. There are numerous back office tasks (no contact with the public) that could be handled using a call center in the North Country rather than each agency performing its own back office tasks. This action is also in the governor's budget. Vote 14-3.

Committee report adopted.

Referred to the Committee on Finance.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, and Keene District Courts and establishing a committee to study the utilization of existing facilities to house courts leased by communities through the state. **OUGHT TO PASS.**

Rep. Robert H. Rowe for Judiciary: The courts which are the subject of this bill are all located in buildings leased by the state, rather than in state-owned buildings. In the last biennium, these courts were threatened with closure. They were kept open through an agreement whereby the judicial branch absorbed part of the rental costs into its existing budget, and the rest of the cost was absorbed by the host communities. The bill has three components. First, the bill requires the four courts to remain open throughout FY 2012 and 2013, with the costs to be paid by the judicial branch within its operating budget. Second, the bill requires repayment to the host communities for the costs they absorbed in the last biennium in the total amount of \$159,430. The argument in favor of paying this sum is that this charge had been passed down to the communities after they had adopted their budgets, thus causing significant harm to the communities. Concern was expressed by some committee members that whatever the justification, such a disbursement is inappropriate in these financial times. The committee was in general agreement with the policy goal of keeping the district courts close to the people they serve, so it was decided to pass this bill on the policy issues, and let the finance committee address the question of whether to amend the bill to omit the retroactive funding. Third, the bill establishes a study committee to study the issues surrounding continued utilization of leased facilities. Vote 12-5.

Committee report adopted.

Referred to the Committee on Finance.

HB 538-FN, establishing a reporting system for court decisions relative to the determination of parental rights and responsibilities and the appointment of guardians ad litem. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joseph M. Hagan for the Majority of Judiciary: This bill establishes a reporting system for decisions related to determination of custody and other rights and responsibilities and issues relating to guardian ad litem (GAL) processes. The committee was moved by testimony of citizens who feel wronged by the system and strongly believes fundamental reform is needed to address the inequities perpetrated during divorce proceedings. However, the committee also thought this problem would better be addressed by other legislation pending before the House. Additionally, the cost of implementation is prohibitive in these austere times. Vote 13-3.

Rep. J. Brandon Giuda for the Minority of Judiciary: This bill addresses a problem that has been discussed throughout this session, namely the total lack of transparency in the family division with regard to summarizing and analyzing court decisions that significantly impact citizens' lives. For example, the judicial branch has stated it cannot provide even basic data, such as how many marital master decisions are overturned by judges. This bill requires the judicial branch to track and report the overall statistics as family division cases make their way through the system, in order to provide greater transparency to the public and greater ability to analyze the family court decision making process. The fiscal note for the bill was extremely suspect and when challenged by the bill's sponsor, was unable to be verified. The majority voted to ITL this bill in favor of HB 614, which requires a performance audit of the guardian ad litem board and guardian ad litem services.

However, the audit envisioned by HB 614 will only address guardian ad litem issues, and will miss the crux of the issue this bill addresses, as guardians ad litem do not make decisions in the family division. This bill addresses the critical issues missed by HB 614 and will provide transparency to the decision making process, for which marital masters and judges may then be held accountable if the statistics show there is a problem. The minority believes this lack of transparency needs to end. Majority committee report adopted.

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill would require the audit division of the legislative budget assistant to conduct a performance audit of the guardian ad litem board and of the delivery of guardian ad litem services. The committee was satisfied with the sufficiency of the evidence presented in the public hearing on this bill and on other bills dealing with the same subject that investigation of the guardian ad litem function is necessary and that the legislative budget assistant is in the best position to perform such investigation well and economically, in the course of its normal audit performance functions. Vote 10-4.
Committee report adopted and ordered to third reading.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Christopher J. Ahlgren for the Majority of Resources, Recreation and Development: The majority of the committee feels that, as a policy matter, aquatic resource mitigation is an excellent program. The problem lies with the percentage of assessment (20%) used for the administrative fee. The bill, as introduced, recommends 10%. We as a committee believe the percentage assessment should be revisited, and are aware that this bill will be referred to Ways and Means. The proposed percentage can be evaluated and adjusted as necessary based on the committee's evaluation of the financial data. In addition, the current percentage will sunset July 1, 2012. This bill establishes a permanent percentage. Having a stable fee percentage will be good for New Hampshire businesses. Vote 10-3.
Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: There was no testimony in favor of this bill from any of the program's users. The aquatic resources compensatory mitigation (ARM) program offers significant advantages to the development community. It promotes development in a time when the real estate market is struggling by giving developers an option to avoid more costly and time-consuming methods of mitigating their wetland impacts. Except for the sponsor, the committee received no testimony the current fee is too high. There was no justification offered for reducing the fees involved, although those fees were established through an exhaustive study by Ways and Means last session. The department of environmental services testified that lowering the administrative fee to 10% would threaten the viability of this valuable program, already facing a \$45,000 deficit due to the inadequate fee charged to date. It is mystifying to the minority that the bill also eliminates the sunset of the fee schedule due to occur next year. Having a year or two more of data upon which to establish the correct fee makes sense. Instead, this bill eliminates that opportunity to try out the current fee before reducing it to an unproven level that risks the viability of a program so advantageous to businesses in NH.

Majority Amendment (0269h)

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Repeal. The following are repealed:

- I. 2010, 16:3, relative to payment for freshwater and tidal wetlands loss; version effective July 1, 2012.
- II. 2010, 16:5, relative to payment for stream or shoreline losses; version effective July 1, 2012.
- III. 2010, 16:7, relative to rulemaking; version effective July 1, 2012.

AMENDED ANALYSIS

This bill modifies the percentage rate of certain administrative assessments related to aquatic resource compensatory mitigation.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Almy spoke against.

Rep. Renzullo spoke in favor.

Rep. Spang requested a roll call; sufficiently seconded.

YEAS 261 NAYS 90

YEAS 261 BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Kingsbury, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbreton, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brown, Kevin
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Coffey, James
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Burt, John
Condra, William
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Parison, James
Reed, Michael
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon

Coffey, Jennifer
Hill, Gregory

Cohn, Seth
Keane, Thomas

Cox, Sean
Kidder, David

Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Smith, Todd

Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Winter, Steven

Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

Lindsley, Mark
McGuire, Dan
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
DeLemus, Susan
Jones, Laura
Parsons, Robbie
Vita, Lucien

Berube, Roger
Groen, Warren
Larsen, Kirsten
Pitre, Joseph
Weeden, Michael

Brown, Julie
Harty, Martin
Newton, Clifford
Sprague, Dale

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 90

BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meador, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Brunelle, Michael
Goley, Jeffrey
Levasseur, Nickolas
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Gorman, Mary
Long, Patrick
Rokas, Ted

Garrity, Patrick
Jeudy, Jean
Pilotte, Maurice
Rosenwald, Cindy

Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Watrous, Rick

Deloge, Helen
Hoell, J.R.
Potter, Frances
Williams, Robert

DeStefano, Stephen
MacKay, James
Richardson, Gary

Frazer, June
Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Ritter, Glenn

DiPentima, Rich
Pantelakos, Laura
Schlachman, Donna

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Wall, Janet

Grassie, Anne
Kaen, Naida
Schmidt, Peter
Watters, David

Hofemann, Roland
Keans, Sandra
Spainhower, Dale

SULLIVAN

Cloutier, John
and the majority committee report was adopted.
Referred to the Committee on Ways and Means.
Rep. Baroodly declared a conflict of interest and did not participate.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

HB 365-FN-A, establishing a commission to encourage broadband development and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. William H. O'Connor for Science, Technology and Energy: While high speed internet for everyone may be a worthy goal, the majority felt that spending from the general fund and diverting future communications service tax revenues to lower the cost of high speed internet is not justified. Vote 12-6.

Rep. Rappaport spoke against.

Rep. James Garrity spoke in favor.

Rep. Lambert requested a roll call; sufficiently seconded.

YEAS 284 NAYS 68**YEAS 284****BELKNAP**

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Kingsbury, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

Knox, J. David
Pettengill, Laurie
Umberger, Karen

McCarthy, Frank
Scala, Dino

CHESHIRE

Byrnes, John
Johnson, Jane
Parkhurst, Henry

Cartwright, Anne
Meader, David
Smith, Edwin

Emerson, Susan
Moore, Charles
Sterling, Franklin Jr

Hunt, John
Moore, Robert Jr

COOS

Richardson, Herbert

Tholl, John Jr

Tremblay, Marc

GRAFTON

Almy, Susan
Gionet, Edmond
Shackett, Jeffrey
Taylor, Kathleen

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
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Boehm, Ralph
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Lambert, George
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Porter, Marjorie
Rosenwald, Cindy
Shaw, Barbara
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brown, Kevin
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gimas, John
Graham, John
Hardwick, Harry
Holden, Frank
Judy, Jean
LeBrun, Donald
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Parison, James
Proulx, Mark
Rowe, Robert
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Coffey, James
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Goley, Jeffrey
Greazzo, Phil
Hikel, John
Hopper, Gary
Krasucki, Joseph
Levasseur, Nickolas
McCarthy, Michael
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Burt, John
Condra, William
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Gonzalez, Carlos
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Long, Patrick
McClarren, Donald
Moran, Edward
Palmer, Barry
Peterson, Lenette
Robbins, David
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
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Kreis, Kenneth Sr
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Patten, Dick
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Coffey, Jennifer
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Keane, Thomas
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McDonnell, John
Reed, Dennis
Smith, Todd

Cohn, Seth
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Carol
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Abrami, Patrick
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Case, Frank
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Murphy, Brian
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Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kappler, Lawrence
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Reagan, John

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Peckham, Michele
Reichard, Kevin

Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
DeLemus, Susan
Hofemann, Roland
Larsen, Kirsten
Pelletier, Marsha
Sprague, Dale
Weeden, Michael

Berube, Roger
Ginsburg, Philip
Hooper, Dorothea
Newton, Clifford
Pitre, Joseph
Vita, Carol

Brown, Julie
Groen, Warren
Jones, Kyle
O'Connor, William
Roberts, Jenna
Vita, Lucien

Cataldo, Sam
Harty, Martin
Jones, Laura
Parsons, Robbie
Spang, Judith
Watters, David

SULLIVAN

Bowers, Spec
Howard, Thomas
Osgood, Joe

Cloutier, John
LaCasse, Paul Sr
Rodeschin, Beverly

Cunningham, Steven
Laware, Thomas
Smith, Steven

Gagnon, Raymond
Lovett, Charlene

NAYS 68 BELKNAP

None

CARROLL

Babson, David Jr

McConkey, Mark

CHESHIRE

Carr, Daniel
Johnsen, Gladys
Tatro, Bruce

Chase, Cynthia
Lindsey, Steven
Weber, Lucy

Dwinell, Richard
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Sad, Tara

COOS

Coulombe, Gary
Rappaport, Laurence

Daugherty, Duffy
Remick, William

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

GRAFTON

Aguir, James
Harding, Laurie
Pierce, David

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

Gould, Franklin
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Pilotte, Maurice
Sullivan, Daniel

Brunelle, Michael
Renzullo, Andrew

Garrrity, Patrick
Rhodes, Brian

Katsiantonis, Thomas
Rokas, Ted

MERRIMACK

Bouchard, Candace
Potter, Frances
Williams, Robert

Frazer, June
Richardson, Gary

Gile, Mary
Wallner, Mary Jane

Owen, Derek
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Powers, James

DiPentima, Rich
Read, Robin Jr

Moody, Marcia
Schlachman, Donna

Norelli, Terie

STRAFFORD

Browne, Brendon
Keans, Sandra

Grassie, Anne
Schmidt, Peter

Horriggan, Timothy
Spainhower, Dale

Kaen, Naida
Wall, Janet

SULLIVAN

Lefebvre, Benjamin Schmidt, Andrew
and the committee report was adopted.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 649 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 649, relative to the Northern Pass Project to construct and operate transmission lines from the Canadian border to a proposed terminal in Franklin, New Hampshire. (Ladd, Graf 5; Kurk, Hills 7; Rappaport, Coos 1; Aguiar, Graf 6; Harding, Graf 11; Cooney, Graf 7: Science, Technology and Energy)

The House recessed at 12:05 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 1:05 p.m.

REGULAR CALENDAR (CONT'D)

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Holden for the Majority of Science, Technology and Energy: This bill, as amended, has several provisions. First, it repeals New Hampshire's participation in the Regional Greenhouse Gas Initiative (RGGI) cap and trade program for controlling carbon dioxide emissions. New Hampshire became part of RGGI in 2008 with the passage of Ch. 182, HB 1434 which stated that "Carbon dioxide (CO2) is a significant greenhouse gas that contributes to global climate change. Therefore, the purpose of this subdivision is to reduce greenhouse gas emissions resulting from energy use in New Hampshire." During the House debate in 2008, the then-majority warned that RGGI was necessary due to the imminent dangers of global warming. During the same debate, the then-minority cautioned that the science of climate change was far from settled, and warned that a future legislature may be tempted to raid the RGGI fund to divert to the general fund. Under RGGI, each state is allotted a number of carbon allowances based on historic CO2 emissions of electric generating power plants of more than 25 megawatts that use coal, natural gas, or oil. There are five such plants in New Hampshire, and three are owned by Public Service of New Hampshire (PSNH). New Hampshire controls 8.62 million carbon allowances. The vast majority of the state's allowances are sold at quarterly RGGI auctions along with allowances from the other nine RGGI states. The affected power plants in New Hampshire are required to buy one carbon allowance at auction for each ton of CO2 emissions. Costs to the affected sources depend on the price of allowances during each specific auction. Costs of PSNH allowances are allowed to be passed on to PSNH electric ratepayers in their electric bills. Costs incurred by the other two plants may be priced into their go-to-market price for electricity or may simply be incurred as added expense and reduced profits. The proceeds from each RGGI auction are sent back to the member states. So far, New Hampshire has participated in nine RGGI auctions. Total proceeds for New Hampshire amount to over \$28 million. The auction proceeds are then redistributed by the Public Utilities Commission (PUC) in the form of grants to fund projects and programs intended to directly or indirectly increase energy efficiency and reduce electricity consumption which, by extension, should further reduce CO2 emissions. Second, this bill also clarifies how the monies in the greenhouse gas emissions reduction fund (RGGI fund) may be used in the future. The committee heard testimony from many citizens and stakeholders who were not satisfied with the way the RGGI funds have been used. Most distressing was the raid of the RGGI fund in 2010 by the governor and legislature for

\$3.1 million to the general fund. The majority of the committee feels that the RGGI fund balance should be used for its intended purpose: energy efficiency. Therefore, all monies in the RGGI fund as of July 1, 2011 and all monies entering the fund after that date will be allocated to the existing CORE energy efficiency programs already in existence. The majority believes that this is the most cost effective use of RGGI funds. Third, RGGI will not sunset until December 31, 2011 since that will be the end of the first 3 year compliance period, and the affected sources will still be required to fulfill obligations with the Department of Environmental Services (DES) to prove compliance with RGGI's first three year obligations. New Hampshire will still participate in three more RGGI auctions before year end and auction proceeds will be deposited in the RGGI fund to be used as directed in this amended bill. The majority of the committee favors repeal because we believe that RGGI should never have been enacted in the first place. It was clear to us that RGGI was really all about the money and not about the climate. It is not the role of state government to subsidize or prop up private businesses; RGGI created the illusion of free money to those who were fortunate enough to receive funding, and many think that funding should continue indefinitely. The majority believes it is not the proper role of government to create burdensome mandates which take a small amount of money from the many (electric ratepayers), funnel that money through multiple levels of bureaucracy (RGGI, Inc. and NH PUC), and redistribute a large amount of money to the few. The majority believes that RGGI was a stealth tax, hidden in the electric rates of our constituents. RGGI also has added to the size and scope of New Hampshire's state bureaucracy; we need to shrink the size of government. Finally, the majority believes that New Hampshire does not need a complex and expensive multi-state scheme to find solutions to our environmental and energy challenges. New Hampshire has the ability to control emissions and protect our environment by developing uniquely New Hampshire solutions. Vote 13-5.

Rep. Naida L. Kaen for the Minority of Science, Technology and Energy: No fiscal note was provided to the committee prior to the executive session. The hearing, held in representatives' hall, began at 10:00 a.m. and concluded at 6:30 p.m. Of the sixty or more people who testified on complicated subject matter, a substantial majority spoke against the bill. No subcommittee meeting was held prior to the executive session. The executive session began with an introduction of an amendment not previously provided to committee members for review and which was essentially a rewrite of the original bill. The minority believes that this bill should have been retained in committee for a proper vetting, and to provide a better understanding of the potential consequences of its passage. Some of the possible outcomes of the passage of this legislation, as amended, are likely to be that New Hampshire electric rate-payers will continue to pay at least \$5 million on their electric bills while the State of NH gives up \$13 million annually in proceeds from the Regional Greenhouse Gas Initiative (RGGI) auction. To date more than \$28 million has gone largely to help local municipalities weatherize municipal buildings, thereby reducing local taxes, and to assist families and businesses save money by becoming more energy efficient, all of which reduces our dependence on foreign oil and ultimately reduces all ratepayers' electric rates. The minority believes that modification of the program may be warranted, but that the decision to repeal should be properly reviewed so as to avoid potential damage to NH's economy and to many citizens of the state.

Majority Amendment (0324h)

Amend the bill by replacing all after the enacting clause with the following:

1 Powers and Duties of Commissioner; Reference Deleted. Amend RSA 125-O:6, I to read as follows:

I. Develop a trading and banking program to provide appropriate compliance flexibility in meeting the emission caps established under RSA 125-O:3, III ~~[and allowance requirements of RSA 125-O:21 and RSA 125-O:22]~~, and to encourage earlier and greater emissions reductions and the development of new emission control technologies in order to maximize the cost-effectiveness with which the environmental benefits of this chapter are achieved.

2 Rulemaking Authority. Amend RSA 125-O:8 to read as follows:
125-O:8 Rulemaking Authority.

[E] The commissioner shall adopt rules under RSA 541-A, commencing no later than 180 days after the effective date of this section, relative to:

(a) I. The establishment of trading and banking programs as authorized by RSA 125-O:6, I.

(b) II. The establishment of a method for allocating allowances and other emissions reduction units or mechanisms as authorized by RSA 125-O:3, II and III.

~~(c) III. Emissions [and allowance] monitoring, [tracking;] recordkeeping, reporting, and other such actions as may be necessary to verify compliance with this chapter.~~

~~(d) The method and requirements for auctioning budget allowances under RSA 125-O:21, which may use regional organizations:~~

~~(e) Defining eligible projects for early reduction allowances under RSA 125-O:21, IV, and establishing criteria to quantify and grant such allowances:~~

~~(f) Defining eligible projects for offset allowances under RSA 125-O:21, V, and establishing criteria to quantify and grant such allowances, including the accreditation of third-party verifiers:~~

~~(g) The forms and information required on applications for a temporary or operating permit required under RSA 125-O:22:~~

~~H. The public utilities commission shall adopt rules, under RSA 541-A, to administer the greenhouse gas emissions reduction fund pursuant to RSA 125-O:23.]~~

3 Compliance Dates. Amend RSA 125-O:9 to read as follows:

125-O:9 Compliance Dates. The owner or operator of each affected source shall comply with the provisions of this chapter, excluding the subdivision on mercury emissions, RSA 125-O:11 through 125-O:18, ~~[and the subdivision for CO2 emissions, RSA 125-O:19 through RSA 125-O:28;]~~ by December 31, 2006.

4 Non-Severability. Amend RSA 125-O:10 to read as follows:

125-O:10 Non-Severability. No provision of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter shall be implemented in a manner inconsistent with the integrated, multi-pollutant strategy ~~[or RSA 125-O:1 through RSA 125-O:18]~~ of this chapter, and to this end, the provisions of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter are not severable.

5 Compliance. The repeal of the regional greenhouse gas initiative program on January 1, 2012 under this act shall not affect each affected CO2 source's obligation to satisfy the program's requirements for the compliance period ending December 31, 2011, including those contained in adopted rules. All means of enforcement shall remain in place for these requirements, including the provisions of RSA 125-O:7 and any permit issued or modified by the department of environmental services in accordance with RSA 125-O:22, IV.

6 Utility Cost Recovery. All prudently incurred costs of complying with the requirements of the former regional greenhouse gas initiative program by an owner of an affected CO2 source that is a public utility pursuant to RSA 362:2 that provides electric distribution service pursuant to RSA 374-F shall be recoverable through the utility's default service charge in a manner approved by the public utilities commission.

7 Use of Funds. Notwithstanding the provisions of RSA 125-O:23, all moneys in the greenhouse gas emissions reduction fund as of July 1, 2011, and all subsequent moneys deposited into the fund, shall be allocated by the commission as an additional source of funding to electric distribution companies for CORE energy efficiency programs that are funded by system benefits charges.

8 Repeal. The following are repealed:

I. RSA 6:12, I(b)(272), relative to moneys deposited in the greenhouse gas emissions reduction fund.

II. RSA 125-O:3, III(d), relative to carbon dioxide cap.

III. RSA 125-O:19 through 125-O:28, relative to the regional greenhouse gas initiative.

9 Effective Date.

I. Sections 1-4, 6 and paragraphs II and III of section 8 shall take effect January 1, 2012.

II. Sections 5 and 7 of this act shall take effect upon its passage.

III. Paragraph I of section 8 of this act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill repeals New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. This bill also clarifies how the moneys in the greenhouse gas emissions reduction fund may be used.

On a division vote, 232 members having voted in the affirmative and 52 in the negative, the majority committee amendment was adopted.

Rep. James Garrity offered floor amendment (0408h).

Floor Amendment (0408h)

Amend the bill by deleting section 6 and renumbering the original sections 7-9 to read as 6-8, respectively.

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Sections 1-4 and paragraphs II and III of section 7 shall take effect January 1, 2012.

II. Sections 5 and 6 of this act shall take effect upon its passage.

III. Paragraph I of section 7 of this act shall take effect January 1, 2013.

Rep. James Garrity spoke in favor and yielded to questions.

Floor amendment (0408h) adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Reps. Kaen and Keans spoke against.

Rep. Pastor spoke against and yielded to questions.

Rep. James Garrity spoke in favor and yielded to questions.

Rep. Kaen moved Recommit and spoke in favor.

Rep. Jasper spoke against.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 100 NAYS 250

YEAS 100

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Carr, Daniel
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Dwinell, Richard
Meador, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Katsiantonis, Thomas
Parison, James
Rosenwald, Cindy

Brunelle, Michael
Goley, Jeffrey
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara

Campbell, David
Gorman, Mary
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Garrity, Patrick
Jeudy, Jean
Messier, Irene
Rokas, Ted

MERRIMACK

Bouchard, Candace
Gile, Mary
Richardson, Gary
Williams, Robert

Deloge, Helen
MacKay, James
Shurtleff, Stephen

DeStefano, Stephen
Owen, Derek
Wallner, Mary Jane

Frazer, June
Potter, Frances
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Powers, James

DiPentima, Rich
Murphy, Brian
Read, Robin Jr

Gould, Kenneth
Norelli, Terie
Schlachman, Donna

Lovejoy, Patricia
Pantelakos, Laura

STRAFFORD

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Brown, Julie
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Domingo, Baldwin
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

NAYS 250**BELKNAP**

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
McCarthy, Michael
Moran, Edward
Palmer, Barry
Proulx, Mark
Rowe, Robert
Soucy, Connie

Balboni, Michael
Belanger, James
Brown, Kevin
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Reed, Michael
Scotsas, Lisa
Souza, Kathleen

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Coffey, James
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen

Barry, J. Gail
Bergevin, Jerry
Burt, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen

Swank, Matthew
Ulery, Jordan
Whitehead, Randal

Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Thomas, Joseph
Villeneuve, Moe

Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Patten, Dick
Smith, Todd

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Winter, Steven

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Antosz, Jason
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Rice, Frederick
Schroader, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Harty, Martin
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

Groen, Warren
Larsen, Kirsten
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
and the motion failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 246 NAYS 104

YEAS 246

BELKNAP

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Russell III
Parison, James
Reed, Michael
Scountsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Coffey, James
Daniels, Gary
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Bergevin, Jerry
Burt, John
Condra, William
DeJong, Cameron
Flanagan, Jack
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McCarthy, Michael
Moran, Edward
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Long, Patrick
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Sanborn, Laurie

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Todd

Cox, Sean
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Quandt, Matt

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Reichard, Kevin

Antosz, Jason
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Rice, Frederick

Azarian, Gary
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Marshall
Ritter, Glenn

Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Harty, Martin
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

Groen, Warren
Larsen, Kirsten
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 104 BELKNAP

Bolster, Peter

Pilliod, James

CARROLL

None

CHESHIRE

Carr, Daniel
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Dwinell, Richard
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Drisko, Richard
Goley, Jeffrey
Levasseur, Nickolas
Rokas, Ted

Belanger, James
Gargas, Carolyn
Gorman, Mary
Messier, Irene
Rosenwald, Cindy

Brunelle, Michael
Garrity, Patrick
Judy, Jean
Porter, Marjorie
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Katsiantonis, Thomas
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Gile, Mary
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Kidder, David
Patten, Dick
Wallner, Mary Jane

DeStefano, Stephen
Lockwood, Priscilla
Potter, Frances
Watrous, Rick

Frazer, June
MacKay, James
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Powers, James

DiPentima, Rich
Murphy, Brian
Read, Robin Jr

Gould, Kenneth
Norelli, Terie
Schlachman, Donna

Lovejoy, Patricia
Pantelakos, Laura

STRAFFORD

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Brown, Julie
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Domingo, Baldwin
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

SULLIVAN

Cloutier, John
and the majority committee report was adopted.
Referred to the Committee on Finance.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Jasper moved that the House reconsider its action whereby, on a roll call vote of 246-104, it adopted the majority committee report of Ought to Pass with Amendment on **HB 519-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.
Rep. Jasper spoke against.

On a division vote, 90 members having voted in the affirmative and 257 in the negative, the motion failed.

MOTION TO PRINT DEBATE

Rep. Kaen moved that the debate on **HB 519-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions, be printed in the Permanent Journal.

Rep. Kaen requested a roll call; sufficiently seconded.

YEAS 240 NAYS 108**YEAS 240****BELKNAP**

Bolster, Peter
Pilliod, James
Worsman, Colette

Fields, Dennis
Russell, David

Kingsbury, Robert
St. Cyr, Jeffrey

Malone, Robert
Tilton, Franklin

CARROLL

Babson, David Jr
Patten, Betsey
Umberger, Karen

Knox, J. David
Scala, Dino

McCarthy, Frank
Schmidt, Stephen

Morrow, Harry
Tregenza, Norman

CHESHIRE

Carr, Daniel
Hawkes, Samuel
Meador, David
Sad, Tara
Weed, Charles

Chase, Cynthia
Hunt, John
Moore, Charles
Smith, Edwin

Dwinell, Richard
Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

Emerson, Susan
Lindsey, Steven
Roberts, Kris
Weber, Lucy

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Aguir, James
Eaton, Stephanie
Ingbreton, Paul
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Townsend, Charles

Benn, Bernard
Gould, Franklin
Mirski, Paul
Smith, Suzanne
White, Andrew

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Sova, Charles

HILLSBOROUGH

Ball, J. Michael
 Brownrigg, Randall Jr
 Cebrowski, John
 Cusson-Cail, Kathleen
 Drisko, Richard
 Gandia, Laura
 Gonzalez, Carlos
 Hardwick, Harry
 Jeudy, Jean
 Long, Patrick
 McGuinness, Sean
 Notter, Jeanine
 Rhodes, Brian
 Shaw, Barbara
 Stroud, Kathleen
 Ulery, Jordan

Baroody, Benjamin
 Brunelle, Michael
 Christiansen, Lars
 Daniels, Gary
 Flanagan, Jack
 Garrity, Patrick
 Gorman, Mary
 Hinch, Richard
 Katsiantonis, Thomas
 Maltz, Jonathan
 Mecheski, Holly
 Palmer, Stephen
 Rokas, Ted
 Silva, Peter
 Sullivan, Daniel
 Warden, Mark

Barry, Richard
 Burt, John
 Condra, William
 DeJong, Cameron
 Fredette, Robert
 Gidge, Kenneth
 Graham, John
 Hopper, Gary
 Krasucki, Joseph
 Marcus, Bruce
 Messier, Irene
 Porter, Marjorie
 Rosenwald, Cindy
 Soucy, Connie
 Terrio, Ross

Brown, Kevin
 Campbell, David
 Coughlin, Sean
 Donovan, Daniel
 Gagne, Larry
 Gimas, John
 Haefner, Robert
 Jasper, Shawn
 Levasseur, Nickolas
 McClarren, Donald
 Moran, Edward
 Proulx, Mark
 Scontsas, Lisa
 Stepanek, Stephen
 Thomas, Joseph

MERRIMACK

Bouchard, Candace
 Frazer, June
 Kotowski, Frank
 McDonnell, John
 Potter, Frances
 Shurtleff, Stephen
 Williams, Robert

Cox, Sean
 Gile, Mary
 Kreis, Kenneth Sr
 McGuire, Carol
 Reed, Dennis
 Smith, Todd
 Winter, Steven

Deloge, Helen
 Hill, Gregory
 Lindsley, Mark
 Owen, Derek
 Richardson, Gary
 Wallner, Mary Jane

DeStefano, Stephen
 Kidder, David
 MacKay, James
 Patten, Dick
 Sanborn, Laurie
 Watrous, Rick

ROCKINGHAM

Antosz, Jason
 Brown, Paul
 Comerford, Timothy
 DiPentima, Rich
 Garcia, Marilinda
 Headd, James
 Kolodziej, Walter
 McKinney, Betsy
 Norelli, Terie
 Powers, James
 Ritter, Glenn
 Sedensky, John
 Ward, Joanne

Azarian, Gary
 Cali-Pitts, Jacqueline
 Copeland, Timothy
 Dowling, Patricia
 Garrity, James
 Introne, Robert
 Lovejoy, Patricia
 McMahon, Charles
 O'Connor, John
 Quandt, Marshall
 Sanders, Elisabeth
 Tamburello, Daniel
 Webb, James

Bettencourt, David
 Case, Frank
 Davenport, Joshua
 Elliott, Robert
 Griffin, Mary
 Itse, Daniel
 MacMahon, Bruce
 Moody, Marcia
 Oligny, Jeffrey
 Quandt, Matt
 Sapareto, Frank
 Tucker, Pamela
 Welch, David

Birdsell, Regina
 Chirichiello, Brian
 Devine, James
 Fesh, Robert
 Hagan, Joseph
 Kappler, Lawrence
 Major, Norman
 Nevins, Chris
 Pantelakos, Laura
 Read, Robin Jr
 Schlachman, Donna
 Waddell, James

STRAFFORD

Andolina, Donald
 Cataldo, Sam
 Hofemann, Roland
 Jones, Laura
 Newton, Clifford
 Roberts, Jenna
 Sprague, Dale
 Weedon, Michael

Berube, Roger
 Domingo, Baldwin
 Hooper, Dorothea
 Kaen, Naida
 O'Connor, William
 Schmidt, Peter
 Vita, Lucien

Brown, Julie
 Ginsburg, Philip
 Horrigan, Timothy
 Keans, Sandra
 Pelletier, Marsha
 Spainhower, Dale
 Wall, Janet

Browne, Brendon
 Grassie, Anne
 Jones, Kyle
 Larsen, Kirsten
 Pitre, Joseph
 Spang, Judith
 Watters, David

SULLIVAN

Cloutier, John
 Laware, Thomas
 Rodeschin, Beverly

Cunningham, Steven
 Lefebvre, Benjamin
 Schmidt, Andrew

Gagnon, Raymond
 Lovett, Charlene
 Smith, Steven

LaCasse, Paul Sr
 Osgood, Joe

NAYS 108**BELKNAP**Accornero, Harry
Simpson, TylerComtois, Guy
Swinford, ElaineGreemore, Robert
Tobin, William

Luther, Robert

CARROLL

Chandler, Gene

Fleck, Joseph

McConkey, Mark

Pettengill, Laurie

CHESHIREByrnes, John
Sterling, Franklin Jr

Cartwright, Anne

Johnson, Jane

Moore, Robert Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTONBrosseau, Charles
Simard, PaulBulis, Lyle
Sorg, Gregory

Reilly, Harold Sr

Shackett, Jeffrey

HILLSBOROUGHAvard, Kevin
Belvin, William
Erickson, Duane
Hikel, John
Kurk, Neal
Ohm, Bill
Reed, Michael
Seidel, Carl
Vaillancourt, SteveBalboni, Michael
Boehm, Ralph
Gargas, Carolyn
Hogan, Edith
LeBrun, Donald
Palmer, Barry
Renzullo, Andrew
Souza, Kathleen
Villeneuve, MoeBarry, J. Gail
Coffey, James
Greazzo, Phil
Holden, Frank
McCarthy, Michael
Pellegrino, Tony
Robbins, David
Swank, Matthew
Whitehead, RandallBelanger, James
Doherty, Shaun
Hansen, Peter
Hutchinson, Winfred
Ober, Russell III
Peterson, Lenette
Rowe, Robert
Twombly, Timothy
Willette, Robert**MERRIMACK**Blankenbeker, Lynne
Hoell, J.R.
McGuire, DanCoffey, Jennifer
Keane, Thomas
Seaworth, G. BrianCohn, Seth
Lauer-Rago, KathleenGiuda, J. Brandon
Lockwood, Priscilla**ROCKINGHAM**Abrami, Patrick
Charron, Gene
Hoelzel, Kathleen
Mauro, Donna
Reichard, Kevin
Shuler, Wyman III
Tasker, Kyle
Wheaton, GaryAllen, Mary
Duarte, Joe
Hutchinson, Karen
Murphy, Brian
Rice, Frederick
Smith, William
Tremblay, StellaBaldasaro, Alfred
Ferrante, Beverly
Katsakiores, Phyllis
Okerman, Richard
Schroadter, Adam
Sullivan, James
Waterhouse, KevinBates, David
Gould, Kenneth
Manuse, Andrew
Peckham, Michele
Sheffert, Kenneth
Sytek, John
Weyler, Kenneth**STRAFFORD**DeLemus, Susan
Vita, Carol

Groen, Warren

Harty, Martin

Parsons, Robbie

SULLIVANBowers, Spec
and the motion was adopted.

Rep. Manuse voted Nay and intended to vote Yea.

DEBATE ON HB 519-FN

Majority committee amendment adopted.

The question being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. James Garrity: Thank you, Mister Speaker. I move floor amendment (0408h) printed on page 305 in your calendar and I'd like to speak to my motion.

Speaker O'Brien: Rep. Garrity moves floor amendment (0408h) and is recognized to speak to his motion.

Rep. James Garrity: Thank you everyone. This is a friendly amendment and thank you, by the way, for passing the committee amendment a minute ago. Essentially what it does is remove paragraph six from the amendment that we just passed. It removes the utility cost recovery language and it makes the bill more consumer friendly. This is based on some feedback that I picked up while we were doing our executive session. Please vote green on this floor amendment. Thank you.

Speaker O'Brien: Will the member yield to a question? The member yields.

Rep. Kaen: Would the Representative be so kind as to explain the outcome with regard to potential taking with this amendment?

Rep. James Garrity: Good question. Good question. Yes, this is sort of standard language about utility cost recovery. The utility in question would be Public Service of New Hampshire (PSNH). Under RGGI....Can I talk about RGGI?

Speaker O'Brien: If it is necessary to answer the question, Representative.

Rep. James Garrity: Under RGGI, there are different compliance periods in years so the first compliance period went 2009/2010/2011. PSNH had to purchase allowances to emit carbon for period one, but they also had the option in these RGGI carbon auctions to purchase allowances in the last few years for compliance period two, which is 2012/2013/2014. When we repeal RGGI, any of those allowances that PSNH has purchased, they will still have them so originally this language was put in to say that PSNH could recover the cost after RGGI is repealed for the allowances that they purchased when RGGI was in place. Having giving that some analysis, the reason I put this in was because PSNH has the opportunity, even if RGGI is repealed, to sell those allowances in the secondary carbon market. The feeling was they can try to recover their costs through the carbon market. They took the risk in the first place by buying ahead without being told they had to, so I would prefer to err on the side of the consumer because we work for the consumers, we don't work for the utilities.

Speaker O'Brien: Will the member yield for an additional question? The member does yield.

Rep. Kaen: Can you further explain who you consulted with before putting this amendment before the body and who agreed with you that this in fact, despite the fact that those allowances might be sold for less than they paid for them, under the provision that they were required to participate in this program by this legislature? In that event, you think that the company should eat those costs?

Speaker O'Brien: The member will suspend. The member is on to her third question. You might want to decide which question.

Rep. James Garrity: To be honest with you, anybody who does business in the public sector and does business in a regulated sphere or does business in a place where the government changes every once in awhile, by doing business in the public sector, you are taking a business risk that things will change. If you don't want to take those business risks, don't do business in the public sector. I called someone at the PUC and I called someone at PSNH to float the concept. Did they like the idea? Not necessarily, but again, I don't work for the PUC and I don't work for PSNH. Thank you.

Speaker O'Brien: The question before the House is the adoption of floor amendment (0408h). For what reason does the member rise? Will the member yield for another question? The member does yield.

Rep. Pastor: Thank you, Mister Speaker. This was Representative Kaen's third question, but it will be my first. Could you please tell us who did you consult with and whether they agreed with the change that you proposed or not?

Rep. James Garrity: I just did. I answered that. I told you I consulted with someone over at the PUC and someone at PSNH. Other than that, it was a legend in my own mind.

Speaker O'Brien: The question before the House is the adoption of floor amendment (0408h). Are you ready for the question? All those in favor, say Aye. All those opposed, Nay. The Ayes have it and floor amendment (0408h) is adopted. The bill is before the House on the committee recommendation on Ought to Pass with Amendment. The Chair recognizes Rep. Kaen of Lee for remarks.

Rep. Kaen: Thank you, Mister Speaker. Thank you, members of the House and in particular those whom I have known for many years and whom I greatly respect. Several careers ago, I worked as a "research officer" for a bank holding company. Just to give you a sense of how long ago that might have been, it was in the days when they gave out titles rather than pay and the overnight interest

rates were 21 to 23%, a little different from today. That was early in my career and my duties, in addition to regulatory compliance for the holding company, included reviewing the annual report to make sure that it went out error free. Well, I didn't have a lot of patience for that. I really had a lot of difficulty even punching numbers into a calculator and getting the same outcome twice, but I worked at it and I learned that it was a really important thing to get things right. You don't want to send something out to the public because it's your face to the world. It's your face to the world when you put something out in writing as yours and I would suggest to you that the legislation that we bring out of the Science, Technology and Energy Committee and then comes before this House and is voted on, you, each one of you should have the confidence as we have had in all the years that I can remember that good work came before it came to this House. It's our face to the world. HB 519-FN was heard in this Hall from 10:00 a.m. to 6:30 p.m. on one day. The next time the committee gathered to deal with this issue, and mind you a number of very intelligent members are new to this committee and new to the subject matter, though some of us have been around for quite some time; it's a complicated subject matter. The next time we met, we met to exec it, and how much discussion took place among committee members? Well, each of us had an opportunity, and I was called on first, to make one statement. There was no exchange across the table. There was no discussion so there was no opportunity for people new to these complicated regulatory issues to even hear and have an exchange about some of the very important objections some of them had to the current legislated RGGI. Well we are not good at forecasting the future, none of us, and you just ask those people on Finance or on Ways and Means if they can figure out where the economy is going to go next and get every single thing right and every estimate right. Maybe there are a few things that need to be tweaked in the process and I heard some really good, very good ideas around the table and I would love to take up those ideas, but there was no opportunity. So, what's the rush? We have a new program in place and it's been in place two years now and we had a raft of people come here and thank us. They testified what use this would have to them and their local communities and there is someone to speak after me about those particulars. I'm sticking to the process. The process included bringing it to this floor and we were given an amendment at the executive session with no chance really to read it or even consider its implications. That got voted on and it's the one on Ought to Pass as Amended. Now, we have another amendment. That, too, has not gotten any input as you just heard, other than the committee chairs. No exchange about the importance of the fact that New Hampshire ratepayers will continue to pay in rates, despite what you read in the press. What I read in the press this morning was absolutely incorrect, I assure you. A lot of the stuff that is coming in is from out of state. The robocalls are full of misinformation. These issues are complicated and should be taken up in the Science, Technology and Energy Committee where there is institutional memory, the connections to the agencies and the support of the Department of Environmental Services and the Public Utilities Commission, all of whom stand at our service to make the changes needed. So, what's the rush? Okay, it's an early bill. We are going to ramrod it through. We'll fix it in the Senate. I think we have a couple more bites at the apple. You think the Senate's got time to stop action and figure out what all the policy implications are? We didn't talk about the policy. What does Finance do? They look at the implications for the budget. They are not charged with looking at the \$17 million we will no longer be getting into the state to help reduce our ongoing electric rates. So, what's the rush? Is somebody holding a gun to our heads? Forcing us to jump off a cliff? Because that is what we are doing. We are jumping off a cliff without knowing what the consequences are. You know business people, they make decisions with imperfect information every day and that's because they have to. They have to because time is of the essence. They may lose an opportunity if they don't, but what do we have to lose by getting it right? What do we have to lose? That's all I would like you to think about at the moment. Please, let's do our work. Do we want the Senate to believe what we bring to them? They always have when it's come out of the Science, Technology and Energy Committee. What kind of precedent will this one be? Thank you for your attention and I thank all of you who I know will do the right thing.

Speaker O'Brien: The Chair recognizes Rep. Pastor from Lyme for remarks.

Rep. Pastor: Thank you, Mister Speaker. Thank you, Honorable colleagues. I have two opening statements. The first one is I rise in opposition to HB 519. The second one is that my remarks have a subtitle. The subtitle is let's cut to the chase. That's not going to be an easy task if you think of the 8 hours of testimony that we heard right here barely a week ago or if you look at the majority blurb which is probably the longest blurb I've ever seen in a house calendar. I shall try nonetheless. I could start by answering the basic question which is what is RGGI and as Rep. Kaen has pointed

out, it is not an easy question to answer and I will not try to answer it here for the very simple reason that the majority blurb gives you the exact mechanism of how RGGI functions. The issue of the locations, the issue of the allowances, who pays for them, who gets them and what happens with the money that is generated from the fund created by the utilities and electric companies buying the allowances. That's in the majority blurb. I think that instead we should concentrate on a different question or I will be happy to answer questions about what is RGGI if you want to really hear the answer. The question that I really think we have to focus on today is, has it worked? In answering this question, I would like to just tell you that in terms of the reduction of CO2 emissions and in terms of the savings for our businesses and residents, there are some figures out there and I'm going to very briefly quote some of those figures. During the first year reporting period, the executive summary of the New Hampshire Greenhouse Gas Emissions Reduction Fund claims that residents and businesses saved \$1.5 million in energy costs and that they reduced CO2 emissions by 4,600 metric tons. In the second year that extends from July 2010 to June 2011, they project \$4.2 million in savings for residents and businesses and a reduction of 13,200 tons of CO2. As a lifetime saving, meaning taking into account the way in which the funds generated are invested, they project that it will translate into a savings of \$60.6 million savings in energy cost and a reduction of almost 200,000 metric tons of CO2. Those are figures from the Greenhouse Gas Emissions Reductions Fund. They are supported by the figures that we have gotten from the Public Utilities Commission (PUC) and also from some other state agencies. I will not clutter your mind with figures. These are almost the only figures you are going to hear. I will go to the second point, the second issue that is brought up with the discussion with RGGI when one asks has it worked. There is no question that the proceeds from the auctions, that is the RGGI fund, have allowed the state to increase energy efficiency in public buildings, to allow private residents to increase energy efficiency in their own homes, to support cost effective renewable retrofits like the solar water heaters that were supported last year with a program that was run with RGGI funds through the PUC and the Office of Energy and Planning. There is no question that they have allowed us to create new jobs in retrofitting and weatherization at a time when the building industry is really dragging in the state. All that is verifiable. I will not give the figures. If you want the figures, after the session I will be happy to direct you to the places where you can get all that specific information. So, it has fulfilled its original goals. The question is why repeal it? Why are we trying to repeal RGGI if has done all those things? The majority blurb says because it has been raided and it says we told you so. We said at the time that it was set up, the fund, that it could be raided for the general fund and that happened last year. If this is the case, if this is the reason, the solution is surely not to repeal the program, it's to fix it. It's to amend the statute so that that becomes impossible and let me tell you, there will be a lot of Democratic support for that fix. The second reason that is brought up by the majority blurb is, "Because RGGI should never have been enacted to begin with. The science of climate change was far from settled." We've heard that argument over and over again, but that was then and this is now. There is considerable scientific evidence tying CO2 emissions to accelerated climate change. In fact that is, as of now, the dominate position of the scientific community in the US and internationally. Let's face it. There are those who don't believe it. We heard them in testimony during the hearings and we talk to them regularly in committee and elsewhere. This is what I am going to propose. Let's for the sake of the argument give equal weight to both positions. The position that believes in the CO2 connection to climate change and the position that says that climate change is a result of sun cycles or other natural cycles and that we have nothing to do with it. If we do that, if we say that they can be equally right or equally wrong, that moves us into what I would call the uncertainty scenario. The problem is that in the face of that supposed uncertainty the risks of doing nothing are just too great. If the predictions about CO2 related accelerated climate change are correct and we do nothing, by the time we see unquestionable proof the damage may be well catastrophic and what is worse, irreversible. That's it. Now, let me give you an analogy on an uncertain scenario to put this into perspective. There was never any scientific evidence or certainty that the Russians were going to nuke this country during the cold war. There was never any scientific evidence and there was a great deal of uncertainty, yet every US President worth his salt prepared carefully for that possibility in order to minimize the damage. That is common sense and good risk management. It was a wise decision then just as it is a wise decision now to take protective measures against an uncertain but very possible disaster and if you are skeptical about the analogy with the President there is always Noah, isn't there? After all, Noah was in the same position. He was told there was a natural disaster about to occur and he was faced with uncertainty and

he didn't know for sure whether it was going to occur or not. He could have looked out of the window and said it doesn't look like it is going to rain and he could have said I don't think that makes sense because it hasn't happened before. He made a different story and he decided to build the Ark and he saved the human race. So, in the face of the reality of making decisions in an uncertainty scenario, I think that what we see is that just as the first reason to repeal RGGI did not hold much water because it amounted to throwing the baby away with the bath water, the second one doesn't hold much water, because acting as though we are certain that something is not going to occur when in fact there is reasonable evidence that it might occur, is an argument for accepted risk taking. When all is said and done there is yet another fundamental reason not to support HB 519 and repeal RGGI and that is a purely economic reason. Listen to our Governor, "Withdrawing from RGGI would have real costs for New Hampshire. Ratepayers would continue to pay \$6 million in additional electricity rate. We would lose more than \$12 million of funding annually." What this means is very simple. What this means is that from a purely economic view, the people of NH, I and you who will be voting on HB 519 today, only have two options. The first option would continue to pay for RGGI and reap its economic benefits which are estimated at roughly \$12 million. The second option would continue to pay for RGGI because we are tied to RGGI for as long as we are tied to ISO and that is regional structure and even though we continue to pay for RGGI we give up all the revenues which we fund to subsidize the ratepayers of other states. Those are our two real choices in this economic time. It seems to me that even in good economic times, giving up \$12 million is not a good proposition. In our current situation it seems foolish and bad. So, think about it, please. Think about it and think about the President of the US during the cold war and think about Noah and his boat and his ducks, and his cows and his elephants and think about the reality, not the rhetoric of the very simple choice you are faced with today and please when you have thought about all this, maybe not the boat and the duck, but the rest. When you've thought about all this, press the red button in opposition to HB 519 so that we can move to recommit the bill and we can study according to the process that Representative Kaen outlined earlier. Thank you for your attention.

Speaker O'Brien: Will the member yield for a question. The member does yield. Rep. Tamburello, you may ask your question.

Rep. Tamburello: Thank you, Mister Speaker and thank you Representative for taking my question. I just have a quick inquiry if you don't mind. The cow bill that we recently voted on today, some people in here recognized some research indicates that cows emit more damage to the environment than human activity does. Would you advocate for carbon credits to be required for dairy farmers?

Rep. Pastor: Do you really want me to answer this question seriously? I will. Would I advocate that? Not at this point, because at this point I am dealing with one very specific issue. That issue is RGGI. As much as I love cows, I don't think that the analogy between the cows and the consumption of fossil fuels really bears scrutiny, not serious scrutiny anyway.

Speaker O'Brien: Does the member yield for another question? The member does yield. Rep. Flanagan, you may inquire,

Rep. Flanagan: Thank you, Mister Speaker. Thank you for taking my question. The question is rather simple. If these projects are so good and have such a great return, why are we paying for it? Why aren't the people who are receiving the benefit paying for this out of their own pockets?

Rep. Pastor: You mean why is the state giving grants to allow our citizens to carry out energy efficiency improvements?

Rep. Flanagan: Correct. If it is so beneficial, why are we paying for it?

Rep. Pastor: For the same reason that states try to do things for the common good whenever they can. I think that citizens have to help themselves, but it has been the traditional function of states to try to fund things for the common good and if the state decides that cutting carbon emissions, reducing energy costs, breaking our dependency on foreign oil and protecting the planet are causes for the common good, it makes sense for the state to support them.

Speaker O'Brien: Does the member yield to a follow up question. The member does yield.

Rep. Flanagan: Thank you, Mister Speaker. Thank you for taking my question. So the lights that we are installing in Brookline are for the common good?

Rep. Pastor: Could you repeat the question please?

Rep. Flanagan: Brookline received a grant through RGGI for putting in new light fixtures. How is that for the common good?

Rep. Pastor: Well, any collective action that we take to reduce our energy consumption is going to free us from dependency on fuel that we do not produce, not in the state of New Hampshire and

if only in this economic way it makes sense and that is without even talking about the international issues that tie that reduction to what could be national security issues and that's part of the picture.

Speaker O'Brien: Does the member yield for another question? The member does yield.

Rep. Kaen: Representative, wouldn't you also say that every one of us who saves energy, fails to use it, contributes in that we all don't have to then pay for new power plants?

Rep. Pastor: Yes, I would say that.

Speaker O'Brien: The question before the body is on the majority committee report of Ought to Pass with Amendment. The Chair recognizes Representative Keans from Rochester.

Rep. Keans: Thank you, Mister Speaker. Mister Speaker I rise in opposition to the pending motion and in favor of the minority report of inexpedient to legislate. Mister Speaker, I have been around this House a long time and during all of those years, there have been many important battles. Sometimes I was on the winning side and often on the losing side, however, I always left this chamber believing the issue had had a fair debate on this very floor. Monday was quite an eye opener. I have never seen such a cowardly perpetration pulled on the vulnerable citizens.....

Speaker O'Brien: The member will suspend. The member will reserve her remarks to the merits of the bill and not any motivation or actions of a member.

Rep. Keans: This has nothing to do with the motivations of the bill, Mister Speaker. If you will let me continue Mister Speaker you will find out who I am referring to.

Speaker O'Brien: Then please proceed without referring to the motives of a member or characterizing their actions.

Rep. Keans: This is not the motives of the bill, but I can assure you that on Monday, many, many vulnerable citizens of my district and I assume some other districts as well had phone calls and I think it's quite ironic on President's Day, just think of that. I wonder what George Washington would have thought of those tactics, sleazy as they are. On Monday.....

Speaker O'Brien: The member will suspend. The member will heed the instructions of the Chair in her remarks from this point on. Please proceed.

Rep. Keans: On Monday I received in excess of two dozen robocalls that I can verify and I actually spoke to six individuals, senior citizens, from my district. Some knew the bill number, others did not. No one knew my phone number and they didn't know my name. Each had received a call from someone they didn't know and with no discussion or explanation were told if they wanted to prevent their electric bills from going up, just push number one on their phone. What a surprise when two of them I actually spoke to and identified myself to, realized, "Oh my gosh, I know you." This was an insidious act to frighten those folks in my district and it was wrong, Mister Speaker. This is not the way we practice democracy in New Hampshire. All the citizens of this state as well as in my district deserve better and I ask you to defeat this bill. Thank you.

Speaker O'Brien: The question before the House is on the majority committee recommendation of Ought to Pass with Amendment. The Chair recognizes Representative Garrity of Atkinson for remarks.

Rep. James Garrity: Thank you, Mister Speaker. Thank you fellow members and I rise in support of this bill as amended and will be asking you to press the green button. Mister Speaker, let me start off by saying that I am so honored to be the Chairman of a committee that has eighteen really, really sharp people. It doesn't matter what party they are from. These folks are top notch and I'm not the brightest florescent bulb in that tree, but I do get the benefit of being with them and working with them so I have intense respect for all of them. I am also very much aware that as a Chairman you never stop learning how to do your job better, how to learn from experience and I promise all of you I will never stop learning and trying to be a better Chair and do my job better. Mister Speaker, three years ago when RGGI was approved, I was on this floor arguing against it and the good Representatives were arguing for it. Three years ago when RGGI was approved, the rallying cry was "We must join RGGI or the planet will dry up." Here we are three years later and the rallying cry we've heard from the public hearing and from the emails and everything else is, "We can't lose RGGI or the money will dry up." It's become apparent to all of us, most of us, that RGGI was never really all about the climate, it's all about the money. RGGI involves three kinds of science. RGGI should be repealed now because we should never have joined in the first place. RGGI should be repealed now because its passage three years ago rested on shaky climate science, namely the global warming apocalypse was coming and RGGI would help stop it. The majority believes that climate science is still far from settled. The majority realizes that RGGI is not about the climate. RGGI is all about the money. RGGI should be repealed now because it rests

on shaky economics science, namely that the government should collect some money from all of us to redistribute that wealth to a few of us. The majority believes that our constituents' money should remain in their pockets to be spent, saved or invested as they see fit. After all, it's their money, not the governments'. The majority believes that RGGI was a stealth tax hidden in our electric bills. The majority believes that RGGI created the illusion of free money to those who benefited from its funds, but you and I all know there is no such thing as free money. RGGI should be repealed now because it rests on shaky political science, namely that bigger government is better government, that mandates are better than markets, that multi-state entangling alliances are better than New Hampshire citizens finding New Hampshire solutions to New Hampshire challenges. The majority believes in shrinking the scope, size and cost of government, not growing it. The majority believes that New Hampshire should declare its independence from the RGGI alliance so I ask you to think green when you vote. Vote to keep the green hard-earned money in our constituents' pockets. Vote to make other RGGI states green with envy when they hear we have left and vote to repeal the cap and trade scheme by pressing the green button. Thank you.

Speaker O'Brien: Will the member yield for a question? The member does yield.

Rep. Kaen: Thank you, Mister Speaker. Representative, do you believe that it is possible for New Hampshire to cut itself off from the regional electric supply?

Rep. James Garrity: No, it's not possible to do that. It is possible for New Hampshire to take care of its own carbon. In fact, you know that New Hampshire had a clean air bill that came way before RGGI that dealt with carbon. RGGI took that over so the next step after we repeal RGGI is to update our clean air act. Thank you.

Speaker O'Brien: Does the member yield for another question? The member yields.

Rep. DiPentima: Thank you, Mister Speaker and thank you Representative Garrity for taking my question. In a broader scope, do you believe that climate change is an issue that this legislature should be addressing through legislation separate from the issue of RGGI?

Rep. James Garrity: Should climate change be an issue that we are addressing through legislation? Yes, we should be really seriously looking to see whether this whole hype has any teeth to it.

Speaker O'Brien: The question before the House is the adoption of the majority committee report of Ought to Pass with Amendment. Representative Jasper requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. This is a roll call vote. Members will please take their seats. For what reason does the member rise?

Rep. Kaen: To make a motion of a higher order.

Speaker O'Brien: The member is recognized for a motion. Please state your motion.

Rep. Kaen: Mister Speaker, I move to recommit HB 519 to the Committee on Science, Technology and Energy.

Speaker O'Brien: The House will come to order. The motion before the House is to recommit. Does the Representative wish to be heard on her motion?

Rep. Kaen: Mister Speaker and members of the House, an issue of this importance deserves a lot of consideration. It has received hardly any and I do appreciate you all listening, but I wonder if you've heard all sides of the issue. One needs committees to banter about the consequences of our actions. One seldom achieves that talking to 400 people in a Hall or 399 without me. You've probably come here with your priorities and I don't blame you, but I think each of us understands how important committee work is and I am implore you to keep the respect of this House and not just pass the issue over the wall. Thank you.

Speaker O'Brien: The Chair recognizes Representative Jasper for remarks.

Rep. Jasper: Thank you, Mister Speaker. If I know....I know its part of a speech, but it's still part of the question. I know that this is the last day and you all need to know that this is the last day that we can act on this bill because it is an early bill and will be going to a second committee and the effect of this motion would be to kill it. We have also heard nothing here today that would cause us to recommit this bill. This came out of committee with a strong vote of 2 to 1 to pass it with the amendment. There is no reason that we should not do that. Let's deal with the vote, with the bill, get an up or down vote on this and not play games such as this. Thank you, Mister Speaker.

Speaker O'Brien: The question before the House is the motion to recommit. Are you ready for the question? I heard a roll call. Representative Norelli requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. This is a roll call vote. Members will please take their seats. The House will come to order. The question is on the motion of Representative Kaen to recommit. This is a roll call vote. The Chair recognizes Representative Jasper for a parliamentary inquiry.

Rep. Jasper: Thank you, Mister Speaker. If I know that there is no reason to recommit this bill and Mister Speaker, if I know the effect of recommitting it would be to prevent us from acting on it this year, would I now vote no by pressing the red button?

Speaker O'Brien: The question before the body is the motion to recommit HB 519 to the Committee on Science, Technology and Energy. The Chair recognizes Representative Norelli for a parliamentary inquiry.

Rep. Norelli: Thank you, Mister Speaker. If I know as an alumna of the great Science, Technology and Energy committee, aware of the wonderful and in-depth work they do on very complex issues, if I know that recommitting this bill to that committee would give them the opportunity to do the serious work that really needs to be done on this bill, regardless of the time deadline, but knowing that the work would be the right work, would I now vote green to recommit this bill to the committee?

Speaker O'Brien: The question is on the motion of Representative Kaen to recommit. This is a roll call vote. If you are favor of recommitting, you will press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 100 members having voted in the affirmative, 250 in the negative, the motion fails. The question before the House is the adoption of the majority committee report of Ought to Pass with Amendment. This is a roll call vote. You are in your seats. The Chair recognizes Rep. Levasseur for a parliamentary inquiry.

Rep. Levasseur: Thank you, Mister Speaker and members of the House. If you know as I know that the process by which we vet all legislation is critical to the democratic process and if you know as I know that this bill was not given the attention and the diligence that is demanded by that process when it is due to an issue of this magnitude? If you know as I know that the committee voted on this bill without fully understanding all of the implications, without a fiscal note before the true economic impacts of RGGI repeal are fully known and if you know as I know that repealing RGGI will not lower electrical rates, it will not save any ratepayer money, but it will slow job growth in the state, it will cause a loss of millions of dollars of efficiency grants and of leverage funds and that these facts alone make repealing RGGI a net loss for our state? If you know as I know that a government that moves too quickly and without all the facts is a government that makes mistakes and causes harm to its people, please push the red button and overturn the committee report?

Speaker O'Brien: The question is on the adoption of the majority committee report of Ought to Pass with Amendment. The Chair recognizes Representative Jasper for a parliamentary inquiry.

Rep. Jasper: Thank you, Mister Speaker. If I believe that neither man nor cow was responsible for global warming and I know this because I read the 1941 US Department of Agriculture report called *Climate and Man* that explained 70 years ago exactly what we could expect and I know that they were on the mark 70 years ago and they were not attributing it to man, they were attributing it to a natural cycle? Mister Speaker if I know that this committee did take the time they needed because we adopted the comprehensive amendment that they put forward and Mister Speaker if I know that what is really behind RGGI is in fact the money and that if I am not in favor of redistributing the wealth would I now push the green button and vote yes to adopted the committee report?

Speaker O'Brien: This is a roll call vote. If you are in favor of the adoption of the majority committee report of Ought to Pass with Amendment, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 246 members having voted in the affirmative and 104 in the negative, the committee report is adopted. Under the rules of the House, HB 519-FN is referred to the Committee on Finance.

REGULAR CALENDAR (CONT'D)

HB 612, establishing a commission to study existing septic systems and potential new septic technologies. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Holden for Science, Technology and Energy: The majority of the committee believes that studying existing septic systems and potential new designs should be done without establishing a special commission. The objective of this bill could best be accomplished by the lakes management advisory committee which has the expertise. Other concerned parties could be included on an ad-hoc basis. Vote 17-1.
Committee report adopted.

HB 208-FN-L, providing additional per pupil funding for pupils in certain public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for Special Committee on Education Funding Reform: The sponsor and supporters of this bill presented persuasive information concerning the diseconomies of scale for our small and very small schools that is consistent with what educational consultants have advised legislative study commissions over the years. However, these same educational consultants have also consistently advised us not to provide supplemental state aid for costs associated with smaller schools. This bill, while well-intentioned, demonstrates the difficulties of quantifying these increased costs by arbitrarily setting the amount of such supplemental aid and by arbitrarily setting the size of the schools to which this aid would be extended. In addition, this bill carries an estimated cost of almost \$8 million with no suggestion to where other education spending can be cut to fund this cost. Finally, the committee believes that this and other bills directed at specific components of state aid to education should be considered within a comprehensive review and discussion of this subject, which is ongoing. Vote 11-2.

Committee report adopted.

HB 238-FN-A, relative to the assessment of the education tax by towns and cities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Andrew Renzullo for the Majority of Special Committee on Education Funding Reform: This bill requires municipalities to assess the education tax on residential and commercial property only after applying a \$100,000 exemption to the valuation. This has the intended consequence of shifting the tax burden to higher value properties. According to the sponsors own figures (unverified by the committee), the break-even point would be a house valued at \$600,000. Homes of lesser value would have a lower percentage tax, while homes of greater value would have a higher percentage tax. This is the first step toward a graduated property tax. It is an attempt to shift the tax burden to those who are apparently more affluent, or, in other words, "those who can afford it." On philosophical grounds, this is class warfare and is unacceptable. On a practical level, redistribution of the real estate tax could impose significant unintended hardship. In the southern tier, many homes have doubled, tripled or even quadrupled in value over the years. People who bought moderately priced homes years ago, and are now living on fixed retirements, have homes of high assessed value. They cannot, and should not, be required to pay the taxes of others. And finally, this legislature is looking to makes changes in education funding. The education tax (state wide property tax) may or may not be part of any comprehensive plan. Thus any tinkering with the tax structure is, at best, premature. In this case, the tinkering is ill-advised and would result in negative consequences. Vote 10-3.

Rep. Gary B. Richardson for the Minority of Special Committee on Education Funding Reform: This bill would provide an exemption of \$100,000 from the State Wide Education Property Tax (SWEPT) from the assessed valuation for one principal structure per lot used for residential or commercial purposes. The proposal is revenue neutral meaning that the amount raised by the SWEPT for education would remain unchanged. The exemption would cause an increase in the tax rate from \$2.325 per thousand to \$2.77 per thousand, but would result in a reduction in taxes for small businesses and residents owning property assessed at less than \$625,000, and a minor increase for those residents and businesses assessed at more than \$625,000. For example, a residence or business assessed at \$1 million would see an increase of \$165 annually. The minority believes that this bill would assist people to find basic housing at an affordable cost and encourage small businesses that are the backbone of our economy.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Hatch and Gary Richardson spoke against and yielded to questions.

Rep. Renzullo spoke in favor.

Rep. Ball requested a roll call; sufficiently seconded.

YEAS 255 NAYS 91

YEAS 255

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Kingsbury, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbreton, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Reed, Michael
Scoutsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Coffey, James
Daniels, Gary
Drisko, Richard
Gandia, Laura
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belvin, William
Burt, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Long, Patrick
McClarren, Donald
Moran, Edward
Palmer, Barry
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Winter, Steven

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Dowling, Patricia

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Elliott, Robert

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly

Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Peckham, Michele
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Waterhouse, Kevin
Wheaton, Gary

Garcia, Marilinda
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Oligny, Jeffrey
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

Berube, Roger
Groen, Warren
Larsen, Kirsten
Pitre, Joseph

Brown, Julie
Harty, Martin
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 91 BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meador, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Gorman, Mary
Porter, Marjorie
Shaw, Barbara

Brunelle, Michael
Gidge, Kenneth
Jeudy, Jean
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Gimas, John
Katsiantonis, Thomas
Rokas, Ted

Fredette, Robert
Goley, Jeffrey
Levasseur, Nickolas
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances
Watrous, Rick

Deloge, Helen
MacKay, James
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Owen, Derek
Shurtleff, Stephen

Frazer, June
Patten, Dick
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura

Gould, Kenneth
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Domingo, Baldwin
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

HB 231-FN, relative to payment of state retiree medical benefits for spouses and dependents.
UGHT TO PASS WITH AMENDMENT.

Rep. Neal M. Kurk for Special Committee on Public Employee Pensions Reform: The amendment replaces the bill. The bill, as amended, requires state retirees to pay more for their medical benefits. At present, retirees under 65 pay \$65 per month of the \$910 monthly premium; the state picks up the balance. Retirees over 65, who are on Medicare, pay the state nothing toward the \$353 monthly premium for their Part B Medigap coverage. The statute providing for these benefits, RSA 21-1:30, states that the benefits are subject to appropriations. The bill, as amended, requires retirees to pay a larger portion of the monthly premiums. It sets up sliding premium scales, so that those with lower monthly pensions pay less toward their medical benefits and those with higher monthly pensions pay more. The sliding premium scales differ for retirees under 65 and those over 65, with those under 65 paying for a greater portion of their medical benefits than those over 65, as the committee believes retirees under 65 have more options available to them to offset the increased premiums. The bill, as amended, is intended to reduce the state's share of retiree medical benefit costs by approximately 25%, or about \$10 million per year in general funds. Should the increased premiums not save that amount, the department of administrative services is required to reduce the level of plan benefits such that the total of the additional premiums paid by retirees and the lower cost of the reduced plan benefits equals that amount. Vote 9-4.

Amendment (0317h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to payment of medical benefits for state retirees, their spouses, and dependents.

Amend the bill by replacing all after the enacting clause with the following:

1 State Retiree Medical Benefit for Retiree, Spouse, and Dependents. Amend RSA 21-1:30, I to read as follows:

I. The state shall pay a premium *toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption* for:

(a) Each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and

(b) *Pursuant to the extent of eligibility under paragraph I-a*, each retired employee, as defined in paragraph II of this section, and his or her spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living[~~toward group hospitalization; hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption~~].

I-a.(a) For each calendar year the state shall pay a percentage of the premium for each retired employee, as defined in paragraph II of this section, and his or her spouse, or the retired employee's beneficiary until such retiree, spouse, or beneficiary attains 65 years of age, calculated as follows:

(1) *Divide the average annual state retirement annuity income of group I or group II, as the case may be, as of June 30 of the year prior to the beginning of the calendar year by the annual state retirement annuity income of the retiree,*

(2) *From the result, subtract .7 and multiply by 100 to express as a percentage; provided that the resulting percentage shall never exceed 100 nor be less than 0.*

(b) *For each calendar year the state shall pay a percentage of the premium for each retired employee, as defined in paragraph II of this section, and his or her spouse, or the retired employee's beneficiary, from 65 years of age and older, calculated as follows:*

(1) *Divide the average annual state retirement annuity income of group I or group II, as the case may be, as of June 30 of the year prior to the beginning of the calendar year by the annual state retirement annuity income of the retiree,*

(2) *From the result, subtract .4 and multiply by 100 to express as a percentage; provided that the resulting percentage shall never exceed 100 nor be less than 0.*

(c) *The amount of premium paid pursuant to subparagraphs (a) and (b) shall be reduced by the percentage determined by multiplying 1.67 percent by the number of whole years that the retiree's creditable state service is less than 30 years for group I retirees and 2-1/2 percent by the number of whole years that the retiree's creditable state service is less than 20 years for group II retirees. For split benefit retirement under RSA 100-A:19-a – 19-h, the applicable percentage and years of creditable state service shall be proportionally adjusted according to the amount of service in each group.*

I-b. The total cost to the general fund for the benefit provided in subparagraph I(b) and calculated under paragraph I-a shall not exceed \$30 million, including the administrative costs of the department, in each fiscal year of a biennium. If in any calendar year the total general fund cost of the retiree medical benefit as calculated pursuant to paragraph I-a is projected to exceed that amount, the commissioner of the department of administrative services shall, with the prior approval of the fiscal committee of the general court, adjust the plan design of the group hospitalization, hospital medical care, surgical care and other medical benefits plan or the self-funded alternative to reduce the cost of the benefit to that amount.

I-c. Funds appropriated for [this] the purpose described in this section shall not be transferred or used for any other purpose.

2 New Paragraph; Medical Benefits; Deduction Authorized. Amend RSA 21-I:30 by inserting after paragraph V the following new paragraph:

VI. If the cost of the premium for any retired employee, spouse, or beneficiary entitled to benefits under this section shall exceed the maximum amount payable by the state, the excess cost shall be paid by the retiree or qualified spouse or beneficiary and shall be deducted from retirement benefits. The state shall require, as a condition for coverage, that such excess cost be deducted from retirement benefits. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree the remaining contribution amount.

3 New Section; Medical Benefit Subsidy. Amend RSA 100-a by inserting after section 53-e the following new section:

100-A:53-f Limitation of Medical Benefit Subsidy. Notwithstanding any provision of this subdivision to the contrary, the maximum amount payable by the retirement system pursuant to this subdivision on account of each eligible person shall not exceed the amount determined under RSA 21-I:30 for any state retiree, his or her spouse, or such retired member's beneficiary.

4 Repeal. RSA 100-A:54, III, relative to the deduction from retirement allowances of a premium contribution amount, is repealed.

5 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill provides that the payment by the state of the premium for the medical benefit for state retirees, their spouses, and dependents shall be calculated according to a formula and subject to a limit on total state general fund cost.

Rep. Sedensky moved Recommit and spoke in favor.

Adopted.

Recommitted to the Special Committee on Public Employee Pensions Reform.

Rep. Lars Christiansen declared a conflict of interest and did not participate.

HB 590, declaring unconstitutional under the federal Constitution the offering of federal grants-in-aid relating to matters not included among the defined powers of the federal government and declaring unconstitutional under the New Hampshire constitution their acceptance in such circumstances, and establishing a committee to review state participation in federal grant-in-aid programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Steven L. Cunningham for the Majority of State-Federal Relations and Veterans Affairs: The committee determined that this bill brings an appropriate resistance to encroachments on the state of New Hampshire by the federal government in areas exceeding the constitutional powers of the federal government. This will allow New Hampshire, through a joint committee, to review grants-in-aid to determine their constitutionality. Vote 8-2.

Rep. Robert L. Theberge for the Minority of State-Federal Relations and Veterans Affairs: This bill would create a committee to review whether every grant-in-aid program, at every level of state government (municipal, county and, state) that currently exists should be retained and/or funded with town, county or state money rather than federal. By not accepting federal grants-in-aid, towns, counties and the state, wishing to have the respective program in place, would have to increase revenues through an increase in property taxes. The latter would render New Hampshire less competitive and less attractive to companies wanting to locate and/or expand in the Northeast. The legislation also fails to identify any specific program for review. As a result, the jurisdiction of the committee is overly broad and would cause a waste of legislative and executive branch resources. In addition, rather than directing an objective review of grant-in-aid programs, the language of the bill labels grant-in-aid programs as "unconstitutional encroachments" on the sovereignty of New Hampshire that amount "to all intents and purposes of bribing the state of New Hampshire". This language makes it clear that the motivation for the bill is political ideology rather than an objective analysis of grant-in-aid programs.

Majority Amendment (0293h)

Amend the title of the bill by replacing it with the following:

AN ACT expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs.

AMENDED ANALYSIS

This bill expresses the position of the New Hampshire general court that federal grants-in-aid relating to matters not delegated to the government of the United States by Article I, Section 8 of the federal Constitution is an unconstitutional exercise of federal authority and that acceptance by the state of New Hampshire an unconstitutional surrender of its sovereignty contrary to Part First, Article 7 of the New Hampshire constitution. The bill also establishes a committee to review state participation in federal grant-in-aid programs.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Reps. Theberge and Kris Roberts spoke against.

Rep. Cunningham spoke in favor.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 228 NAYS 111

YEAS 228 BELKNAP

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Burt, John
Coughlin, Sean
Doherty, Shaun
Gagne, Larry
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Robbins, David
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Balboni, Michael
Belanger, James
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Gandia, Laura
Greazzo, Phil
Hikel, John
Hopper, Gary
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Barry
Proulx, Mark
Scotsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Ball, J. Michael
Brown, Kevin
Christiansen, Lars
Daniels, Gary
Erickson, Duane
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Reed, Michael
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Brownrigg, Randall Jr
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McGuire, Dan
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
Reed, Dennis
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
Sanborn, Laurie

Cox, Sean
Keane, Thomas
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne
Wheaton, Gary

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tasker, Kyle
Webb, James

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Rice, Frederick
Schroader, Adam
Smith, William
Tremblay, Stella
Welch, David

Baldasaro, Alfred
Brown, Paul
Devine, James
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Larsen, Kirsten
Pitre, Joseph

Brown, Julie
Harty, Martin
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 111**BELKNAP**

Bolster, Peter

Pilliod, James

CARROLL

Umberger, Karen

CHESHIRE

Carr, Daniel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Ladd, Rick Jr
Townsend, Charles

Cooney, Mary
Nordgren, Sharon
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Garrity, Patrick
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

Belvin, William
Coffey, James
Gidge, Kenneth
Kurk, Neal
Rhodes, Brian
Sullivan, Daniel

Boehm, Ralph
Fredette, Robert
Gorman, Mary
Levasseur, Nickolas
Rokas, Ted

Brunelle, Michael
Gargas, Carolyn
Judy, Jean
Long, Patrick
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Potter, Frances
Watrous, Rick

Deloge, Helen
Kidder, David
McDonnell, John
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Lauer-Rago, Kathleen
Owen, Derek
Shurtleff, Stephen

Frazer, June
Lockwood, Priscilla
Patten, Dick
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Copeland, Timothy
Lovejoy, Patricia
Powers, James
Waddell, James

Cali-Pitts, Jacqueline
DiPentima, Rich
Moody, Marcia
Read, Robin Jr

Case, Frank
Dowling, Patricia
Norelli, Terie
Schlachman, Donna

Chirichiello, Brian
Gould, Kenneth
Peckham, Michele
Sytek, John

STRAFFORD

Berube, Roger
Grassie, Anne

Browne, Brendon
Hofemann, Roland

Domingo, Baldwin
Horrigan, Timothy

Ginsburg, Philip
Kaen, Naida

Keans, Sandra
Spainhower, Dale
Watters, David

Pelletier, Marsha
Spang, Judith

Roberts, Jenna
Sprague, Dale

Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

Referred to the Committee on Constitutional Review and Statutory Recodification.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Renzullo moved that the House reconsider its action whereby, on a roll call vote of 261-90, it adopted the majority committee report of Ought to Pass with Amendment on **HB 468-FN**, relative to assessments for aquatic resource compensatory mitigation. Motion Failed.

REGULAR CALENDAR (CONT'D)

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P. Baldasaro for the Majority of State-Federal Relations and Veterans Affairs: The Committee feels that this resolution restates and affirms the powers of the States and the people as codified in the Tenth Amendment to the Constitution for the United States. It builds upon the position of James Madison and Thomas Jefferson that it is the states and not the federal government that have the power to interpret the Constitution for the United States; "The government can not be exclusive or final judge of its delegated powers much less those it delegates to itself, for that would makes its own discretion and not the Constitution the measure of its power". It relies upon, draws upon the Constitution of New Hampshire, the Constitution for the United States and Court opinions to reinforce that opinion. It outlines actions by the federal government that are clear usurpations of power or derelictions of duty. It concludes by urging our sister states to join us in restoring our union by engaging in our duty to enforce the limitations of the Constitution upon the government of the United States. Vote 10-2.

Rep. Theodoros V. Rokas for the Minority of State-Federal Relations and Veterans Affairs: The minority appreciates that this resolution does not deal with succession and respectfully disagrees as to what areas and to what extent the federal government is "over reaching" its' authority. This resolution seeks to reaffirm states rights based on the principles set forth in the Kentucky and Virginia Resolutions of 1798. The minority further affirms that any constitutional acts of congress is well defended by the courts and that the New Hampshire legislature is not the proper tribunal to determine the constitutionality of the laws or powers of the federal government.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Itse spoke in favor and yielded to questions.

Rep. Rokas spoke against and requested a roll call; sufficiently seconded.

YEAS 223 NAYS 108

YEAS 223

BELKNAP

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler
Worsman, Colette

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey

Fields, Dennis
Malone, Robert
Tilton, Franklin

Greemore, Robert
Russell, David
Tobin, William

CARROLL

Babson, David Jr
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Shackett, Jeffrey

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brownrigg, Randall Jr
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
LeBrun, Donald
McClarren, Donald
Ober, Russell III
Pellegrino, Tony
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

Balboni, Michael
Belanger, James
Burt, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hikel, John
Hopper, Gary
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Ball, J. Michael
Boehm, Ralph
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Marcus, Bruce
Mecheski, Holly
Palmer, Barry
Reed, Michael
Scoutsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Barry, J. Gail
Brown, Kevin
Coffey, James
Daniels, Gary
Erickson, Duane
Gandia, Laura
Hansen, Peter
Hogan, Edith
Krasucki, Joseph
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Sanborn, Laurie

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Todd

Cox, Sean
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tremblay, Stella
Welch, David

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Headd, James
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tasker, Kyle
Webb, James

STRAFFORD

Andolina, Donald
Harty, Martin
Larsen, Kirsten
Pitre, Joseph

Cataldo, Sam
Horrigan, Timothy
Newton, Clifford
Vita, Carol

DeLemus, Susan
Jones, Kyle
O'Connor, William
Vita, Lucien

Groen, Warren
Jones, Laura
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 108**BELKNAP**

Pilliod, James

None

CARROLL**CHESHIRE**

Carr, Daniel
Johnsen, Gladys
Roberts, Kris
Weber, Lucy

Chase, Cynthia
Lindsey, Steven
Sad, Tara
Weed, Charles

Hawkes, Samuel
Meader, David
Smith, Edwin

Hunt, John
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Nordgren, Sharon
Townsend, Charles

Almy, Susan
Gould, Franklin
Pierce, David
White, Andrew

Benn, Bernard
Harding, Laurie
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Cebrowski, John
Goley, Jeffrey
Katsiantonis, Thomas
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Belvin, William
Garrity, Patrick
Gorman, Mary
Kurk, Neal
Moran, Edward
Rokas, Ted

Brunelle, Michael
Gidge, Kenneth
Jasper, Shawn
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Gimas, John
Judy, Jean
Long, Patrick
Proulx, Mark
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Wallner, Mary Jane

Deloge, Helen
Lockwood, Priscilla
Potter, Frances
Watrous, Rick

DeStefano, Stephen
MacKay, James
Richardson, Gary
Williams, Robert

Frazer, June
Owen, Derek
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Garrity, James
Nevins, Chris
Schlachman, Donna

Case, Frank
Gould, Kenneth
Norelli, Terie
Sytek, John

DiPentima, Rich
Lovejoy, Patricia
Powers, James

Garcia, Marilinda
Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne

Browne, Brendon
Hofemann, Roland

Domingo, Baldwin
Kaen, Naida

Ginsburg, Philip
Keans, Sandra

Pelletier, Marsha
Sprague, Dale

Roberts, Jenna
Wall, Janet

Schmidt, Peter
Watters, David

Spainhower, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the majority committee report was adopted.

Referred to the Committee on Constitutional Review and Statutory Recodification.

HCR 23, urging the New Hampshire congressional delegation to support earmarks for the Portsmouth Naval Shipyard. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred P. Baldasaro for the Majority of State-Federal Relations and Veterans Affairs: The committee disagrees with the use of the shipyard as a political ploy to get one side voting against earmarks to show we do not support the Portsmouth naval shipyard. For the record, we do not know one representative who does not support the funding of the navy ship yard and felt that we will not be used as political pawns by supporting a resolution where the president, U.S. senate and congress all came out against earmarks. The minority wanted us to amend the reference from "earmark" to "funding," but we all know the shipyard is being funded. Vote 8-3.

Rep. Theodoros V. Rokas for the Minority of State-Federal Relations and Veterans Affairs: The minority feels that supporting the Portsmouth naval shipyard is a vital economic interest for the state of New Hampshire and for the national security of the United States. The minority also feels that by not passing this resolution the legislature will be sending the wrong message to congress, that the Portsmouth naval shipyard is not a priority for the citizens of New Hampshire.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Rokas and Keans spoke against.

Rep. Pierce spoke against and yielded to questions.

Reps. Baldasaro and Vaillancourt spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Cali-Pitts moved that **HCR 23**, urging the New Hampshire congressional delegation to support earmarks for the Portsmouth Naval Shipyard, be laid on the table.

On a division vote, 141 members having voted in the affirmative and 186 in the negative, the motion failed.

The question now being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 241 NAYS 89

YEAS 241

BELKNAP

Accornero, Harry
Kingsbury, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Greemore, Robert
Pilliod, James
Swinford, Elaine

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hawkes, Samuel
Moore, Charles

Cartwright, Anne
Hunt, John
Moore, Robert Jr

Dwinell, Richard
Johnson, Jane
Smith, Edwin

Emerson, Susan
Lindsey, Steven
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Ingbreton, Paul
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Coffey, James
Daniels, Gary
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Burt, John
Condra, William
DeJong, Cameron
Flanagan, Jack
Gimas, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Gagne, Larry
Gonzalez, Carlos
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Moran, Edward
Palmer, Barry
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Boehm, Ralph
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gandia, Laura
Greazzo, Phil
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Reed, Michael
Scotsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Smith, Todd

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Winter, Steven

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Peckham, Michele
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

STRAFFORD

Andolina, Donald
Harty, Martin

Cataldo, Sam
Jones, Kyle

DeLemus, Susan
Jones, Laura

Groen, Warren
Larsen, Kirsten

Newton, Clifford
Roberts, Jenna

O'Connor, William
Vita, Carol

Parsons, Robbie
Vita, Lucien

Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene
Smith, Steven

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 89 BELKNAP

Bolster, Peter

CARROLL

None

CHESHIRE

Carr, Daniel
Sad, Tara

Johnsen, Gladys
Tatro, Bruce

Parkhurst, Henry
Weber, Lucy

Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Ladd, Rick Jr
Taylor, Kathleen

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Judy, Jean
Messier, Irene
Rosenwald, Cindy

Brunelle, Michael
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

Campbell, David
Goley, Jeffrey
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Fredette, Robert
Gorman, Mary
McCarthy, Michael
Rokas, Ted

MERRIMACK

Bouchard, Candace
MacKay, James
Richardson, Gary

Deloge, Helen
Owen, Derek
Shurtleff, Stephen

Frazer, June
Patten, Dick
Watrous, Rick

Gile, Mary
Potter, Frances
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Norelli, Terie

Case, Frank
Moody, Marcia
Powers, James

DiPentima, Rich
Murphy, Brian
Read, Robin Jr

Gould, Kenneth
Nevins, Chris
Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spang, Judith

Browne, Brendon
Hofemann, Roland
Pelletier, Marsha
Sprague, Dale

Domingo, Baldwin
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
and the majority committee report was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

HR 8, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Daniel J. Tamburello for the Majority of State-Federal Relations and Veterans Affairs: A constitutional amendment as requested by the bill is unnecessary and politically motivated. If there is an issue that needs to be addressed it should be submitted as a bill that results in a state law and not request a constitutional amendment. Vote 8-3.

Rep. Robert L. Theberge for the Minority of State-Federal Relations and Veterans Affairs: The issue of money in politics pits fundamental constitutional rights against each other. On the one hand, we have the right to spend our own money to influence voter opinion. But on the other, the voters have an equally fundamental right to cast an educated ballot. An ill-informed electorate, Thomas Jefferson taught us, puts democracy and self-governance at grave risk. Before the US Supreme Court's opinion in Citizens' United v. FEC, the constitution gave Congress and the states the authority to strike this balance in the voters' favor. Citizens' United stripped the voters of their rights so that corporations can enjoy theirs. After Citizens' United, 2010 campaign spending by outside groups quadrupled over prior years' spending. Some of that new money came from foreign interests because of Citizens' United and the path to American citizenship that it created. Under Citizens' United, foreign special interests need only spend a few hundred bucks to form a US corporation to earn the same right as any other American corporation to spend money to influence our elections. No doubt this is part of the reason why 80% of Americans oppose Citizens' United and want constitutional authority restored to Congress and the states. HR 8 simply urges our congressional delegation to work to restore the people's right to free and fair elections.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Pierce spoke against.

Rep. Tamburello spoke in favor.

Majority committee report adopted.

MOTION TO AMEND COMMITTEE REPORT STATEMENTS

Rep. Pierce moved that the committee report statements on **HCR 23**, urging the New Hampshire congressional delegation to support earmarks for the Portsmouth Naval Shipyard and **HR 8**, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations, be amended for the Permanent Journal.

Rep. Pierce spoke in favor.

Rep. Baldasaro spoke against.

On a division vote, 79 members having voted in the affirmative and 234 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HR 9, supporting earmarks for public safety. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H. McCarthy for State-Federal Relations and Veterans Affairs: Although the committee believes that the safety of communities in New Hampshire is of the utmost importance, the committee is adamantly opposed to the use of earmarks. No evidence was introduced indicating funding in this area is in danger. Also, the committee felt that the issues mentioned in this bill are of less importance in our rural state and issues such as health and education were totally ignored. Vote 8-3. Rep. Theodoros V. Rokas for the Minority of State-Federal Relations and Veterans Affairs: The minority understands the importance of public safety programs which include not only law enforcement at every level but also impact fire fighters, EMT's and etc. Passing this resolution would ensure the security and social welfare of our constituents.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Long spoke against and yielded to questions.

Rep. Frank McCarthy spoke in favor and yielded to questions.

Rep. Patrick Garrity spoke against and requested a roll call; sufficiently seconded.

YEAS 238 NAYS 71

YEAS 238

BELKNAP

Accornero, Harry
Greemore, Robert

Bolster, Peter
Kingsbury, Robert

Comtois, Guy
Luther, Robert

Fields, Dennis
Malone, Robert

Pilliod, James
Swinford, Elaine

Russell, David
Tilton, Franklin

Simpson, Tyler
Tobin, William

St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Moore, Robert Jr

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Lindsey, Steven

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Coffey, James
Daniels, Gary
Erickson, Duane
Gargas, Carolyn
Hardwick, Harry
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Robbins, David
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belanger, James
Burt, John
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hikel, John
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willet, Robert

Ball, J. Michael
Belvin, William
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hinch, Richard
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Barry
Reed, Michael
Scotsas, Lisa
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hogan, Edith
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Winter, Steven

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Sanborn, Laurie

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Seaworth, G. Brian

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe

Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Peckham, Michele
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Carol

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Vita, Lucien

DeLemus, Susan
Larsen, Kirsten
Pitre, Joseph
Weeden, Michael

Groen, Warren
Newton, Clifford
Roberts, Jenna

SULLIVAN

Bowers, Spec
Laware, Thomas
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene
Smith, Steven

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 71

BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Sad, Tara

Johnsen, Gladys
Tatro, Bruce

Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Gorman, Mary
Proulx, Mark
Shaw, Barbara

Garrity, Patrick
Levasseur, Nickolas
Rhodes, Brian
Sullivan, Daniel

Gidge, Kenneth
Long, Patrick
Rokas, Ted

Goley, Jeffrey
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
MacKay, James
Watrous, Rick

Deloge, Helen
Potter, Frances
Williams, Robert

Frazer, June
Richardson, Gary

Gile, Mary
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie

DiPentima, Rich
Powers, James

Lovejoy, Patricia
Read, Robin Jr

Moody, Marcia
Schlachman, Donna

STRAFFORD

Browne, Brendon
Kaen, Naida
Spainhower, Dale
Watters, David

Domingo, Baldwin
Keans, Sandra
Spang, Judith

Ginsburg, Philip
Pelletier, Marsha
Sprague, Dale

Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
and the majority committee report was adopted.

Gagnon, Raymond

HB 539-FN, repealing the state enforcement of OBD II requirements for motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Hikel for Transportation: While this bill was good intentioned, the OBD II (On Board Diagnostic II) emission testing program to date is contractual and has been a success with verified results. Furthermore, EPA threatens highway funding loss for non compliance and the compliance standards are becoming stricter. The repeal will also return the DMV inspection program from electronic back to an antiquated paper system. It would return us to a system where an inspection station could buy thousands of stickers and just sell them without properly doing an inspection. This would affect the safety of our roadways. We all believe in less government and fewer regulations, but when a system is more efficient and effective than the prior system it would be wrong to change it. Vote 13-1.

Reps. Lambert, Cataldo and Gionet spoke against.

Rep. Hikel spoke in favor and yielded to questions.

Rep. Cohn requested a roll call; sufficiently seconded.

YEAS 178 NAYS 125**YEAS 178****BELKNAP**

Bolster, Peter
Simpson, Tyler

Fields, Dennis
St. Cyr, Jeffrey

Pilliod, James
Tilton, Franklin

Russell, David

CARROLL

Babson, David Jr
Morrow, Harry

Chandler, Gene
Patten, Betsey

Knox, J. David
Scala, Dino

McCarthy, Frank
Umberger, Karen

CHESHIRE

Carr, Daniel
Johnson, Jane
Smith, Edwin
Weed, Charles

Dwinell, Richard
Moore, Charles
Sterling, Franklin Jr

Hawkes, Samuel
Moore, Robert Jr
Tatro, Bruce

Johnsen, Gladys
Sad, Tara
Weber, Lucy

COOS

Hatch, William
Tholl, John Jr

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Shackett, Jeffrey
Townsend, Charles

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Sova, Charles

Cooney, Mary
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Brown, Kevin
Cusson-Cail, Kathleen
Gidge, Kenneth
Haefner, Robert

Barry, J. Gail
Cebrowski, John
Donovan, Daniel
Gonzalez, Carlos
Hikel, John

Belanger, James
Christiansen, Lars
Erickson, Duane
Gorman, Mary
Hinch, Richard

Belvin, William
Coffey, James
Gargasz, Carolyn
Graham, John
Hogan, Edith

Hutchinson, Winfred
 Levasseur, Nickolas
 McClarren, Donald
 Palmer, Barry
 Robbins, David
 Scountsas, Lisa
 Soucy, Connie
 Terrio, Ross

Jasper, Shawn
 Long, Patrick
 Messier, Irene
 Pellegrino, Tony
 Rokas, Ted
 Seidel, Carl
 Stepanek, Stephen
 Villeneuve, Moe

Kurk, Neal
 Marcus, Bruce
 Moran, Edward
 Proulx, Mark
 Rosenwald, Cindy
 Shaw, Barbara
 Stroud, Kathleen
 Willette, Robert

LeBrun, Donald
 McCarthy, Michael
 Ohm, Bill
 Rhodes, Brian
 Rowe, Robert
 Silva, Peter
 Sullivan, Daniel

MERRIMACK

Blankenbeker, Lynne
 Gile, Mary
 MacKay, James
 Richardson, Gary

Bouchard, Candace
 Kotowski, Frank
 McDonnell, John
 Shurtleff, Stephen

Deloge, Helen
 Lindsley, Mark
 Potter, Frances
 Williams, Robert

DeStefano, Stephen
 Lockwood, Priscilla
 Reed, Dennis
 Winter, Steven

ROCKINGHAM

Allen, Mary
 Birdsell, Regina
 Devine, James
 Garrity, James
 Headd, James
 Kolodziej, Walter
 Moody, Marcia
 O'Connor, John
 Reagan, John
 Sedensky, John
 Welch, David

Antosz, Jason
 Cali-Pitts, Jacqueline
 DiPentima, Rich
 Gould, Kenneth
 Hoelzel, Kathleen
 Lovejoy, Patricia
 Murphy, Brian
 Powers, James
 Sanders, Elisabeth
 Sullivan, James
 Weyler, Kenneth

Azarian, Gary
 Charron, Gene
 Dowling, Patricia
 Griffin, Mary
 Introne, Robert
 Major, Norman
 Nevins, Chris
 Quandt, Marshall
 Schlachman, Donna
 Sytek, John

Bettencourt, David
 Copeland, Timothy
 Elliott, Robert
 Hagan, Joseph
 Kappler, Lawrence
 McMahon, Charles
 Norelli, Terie
 Read, Robin Jr
 Schroadter, Adam
 Tucker, Pamela

STRAFFORD

Browne, Brendon
 Kaen, Naida
 Pelletier, Marsha
 Spang, Judith

Domingo, Baldwin
 Keans, Sandra
 Roberts, Jenna
 Wall, Janet

Ginsburg, Philip
 Larsen, Kirsten
 Schmidt, Peter
 Watters, David

Horrigan, Timothy
 Parsons, Robbie
 Spainhower, Dale

SULLIVAN

Cloutier, John
 Laware, Thomas

Cunningham, Steven
 Lovett, Charlene

Gagnon, Raymond
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 125

BELKNAP

Accornero, Harry
 Luther, Robert
 Worsman, Colette

Comtois, Guy
 Malone, Robert

Greemore, Robert
 Swinford, Elaine

Kingsbury, Robert
 Tobin, William

CARROLL

Fleck, Joseph
 Tregenza, Norman

McConkey, Mark

Pettengill, Laurie

Schmidt, Stephen

CHESHIRE

Byrnes, John
 Parkhurst, Henry

Cartwright, Anne

Emerson, Susan

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Brosseau, Charles
 Ladd, Rick Jr
 Sorg, Gregory

Bulis, Lyle
 Mirski, Paul

Eaton, Stephanie
 Reilly, Harold Sr

Gionet, Edmond
 Simard, Paul

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Boehm, Ralph	Burt, John	Campbell, David	Condra, William
Coughlin, Sean	Daniels, Gary	DeJong, Cameron	Doherty, Shaun
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Goley, Jeffrey
Greazzo, Phil	Hardwick, Harry	Hopper, Gary	Krasucki, Joseph
Lambert, George	Maltz, Jonathan	McGuinness, Sean	Notter, Jeanine
Palmer, Stephen	Peterson, Lenette	Reed, Michael	Renzullo, Andrew
Souza, Kathleen	Swank, Matthew	Thomas, Joseph	Twombly, Timothy
Ulery, Jordan	Vaillancourt, Steve	Warden, Mark	Whitehead, Randall

MERRIMACK

Coffey, Jennifer	Cohn, Seth	Cox, Sean	Giuda, J. Brandon
Hill, Gregory	Hoell, J.R.	Keane, Thomas	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	McGuire, Carol	McGuire, Dan	Sanborn, Laurie
Seaworth, G. Brian	Smith, Todd		

ROCKINGHAM

Abrami, Patrick	Baldasaro, Alfred	Bates, David	Brown, Paul
Chirichiello, Brian	Comerford, Timothy	Davenport, Joshua	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Itse, Daniel	Katsakiores, Phyllis
MacMahon, Bruce	Manuse, Andrew	Mauro, Donna	Okerman, Richard
Peckham, Michele	Quandt, Matt	Reichard, Kevin	Rice, Frederick
Ritter, Glenn	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Ward, Joanne
Webb, James			

STRAFFORD

Andolina, Donald	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Kyle	Jones, Laura	Newton, Clifford	O'Connor, William
Pitre, Joseph	Sprague, Dale	Vita, Carol	Vita, Lucien
Weeden, Michael			

SULLIVAN

Bowers, Spec Smith, Steven
and the committee report was adopted.

HB 36-FN-L, reducing the fee for copies of birth certificates. **OUGHT TO PASS.**

Rep. Keith Murphy for Ways and Means: In 2010 the legislature increased the fee for a vital record search by \$3 and the fee for a vital record copy by \$2. This bill repeals those increases. The fiscal note liability of \$350,000 is minimal. Vote 19-0.

Committee report adopted and ordered to third reading.

HB 154-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank V. Sapareto for the Majority of Ways and Means: This bill is designed to be nearly revenue neutral. Under testimony last session, the department of revenue administration (DRA) explained that nearly 20,000 returns were ruled under the business enterprise tax with no taxes due. The committee feels that this is a waste of taxpayer time and money as well as the department of revenue administration. By raising the filing threshold from \$150,000 to \$200,000 the largest bulk of those useless filings will be eliminated and the process streamlined. This change will increase the efficiency of the DRA. Vote 15-5.

Rep. William A. Hatch for the Minority of Ways and Means: The purpose of this bill is to decrease the filing requirements for businesses and reduce the work load for the department of revenues. It would do so by increasing the minimums for the business profits tax required prior to filing to the department of revenue. The minimum gross receipts for a business would be increased to \$200,000 from \$150,000 and the minimum remittance amount would be increased to \$260.00 from \$200.00.

It was reasoned by the majority there is little tax paid by businesses that are between \$150,000 and \$200,000 category but it is very costly and time consuming for them to produce the reports the decrease in revenue is justified. When the fact that information required is already prepared for a business to complete a federal return and is transferred to a single page form and considering the fiscal note showed the loss of revenue to be between \$1.6 million and \$6.2 million, the minority reasoned the cost far out weighs any benefit.

Majority Amendment (0153h)

Amend the title of the bill by replacing it with the following:

AN ACT increasing a threshold amount for taxation under the business enterprise tax.

Amend RSA 77-E:5, I as inserted by section 1 of the bill by replacing it with the following:

I. Every business enterprise having gross business receipts in excess of [~~\$150,000~~] **\$200,000** as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is greater than \$75,000, shall, on or before the fifteenth day of the third month in the case of enterprises required to file a United States corporation tax return, and the fifteenth day of the fourth month in the case of all other business enterprises, following expiration of its taxable period, make a return to the commissioner. All returns shall be signed by the business enterprise or by its authorized representative, subject to the pains and penalties of perjury and the penalties provided in RSA 21-J:39.

AMENDED ANALYSIS

This bill increases a threshold amount for taxation under the business enterprise tax.
Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Reps. Ohm and Stepanek spoke in favor.

Rep. Hatch spoke against.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 235 NAYS 54

YEAS 235

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Greemore, Robert	Luther, Robert	Malone, Robert	Pilliod, James
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Tilton, Franklin
Tobin, William	Worsman, Colette		

CARROLL

Babson, David Jr	Fleck, Joseph	Knox, J. David	McCarthy, Frank
McConkey, Mark	Morrow, Harry	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

Carr, Daniel	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Johnson, Jane	Moore, Charles	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce			

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr			

GRAFTON

Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie	Gionet, Edmond
Ingretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin

Burt, John
 Coffey, James
 Daniels, Gary
 Erickson, Duane
 Gargas, Carolyn
 Haefner, Robert
 Hogan, Edith
 Kurk, Neal
 Marcus, Bruce
 Messier, Irene
 Palmer, Barry
 Proulx, Mark
 Rowe, Robert
 Soucy, Connie
 Swank, Matthew
 Ulery, Jordan
 Whitehead, Randall

Campbell, David
 Condra, William
 DeJong, Cameron
 Flanagan, Jack
 Gonzalez, Carlos
 Hardwick, Harry
 Hutchinson, Winfred
 Lambert, George
 McCarthy, Michael
 Moran, Edward
 Palmer, Stephen
 Renzullo, Andrew
 Scotsas, Lisa
 Souza, Kathleen
 Terrio, Ross
 Vaillancourt, Steve
 Willette, Robert

Cebrowski, John
 Coughlin, Sean
 Doherty, Shaun
 Fredette, Robert
 Graham, John
 Hikel, John
 Jasper, Shawn
 LeBrun, Donald
 McClarren, Donald
 Notter, Jeanine
 Pellegrino, Tony
 Robbins, David
 Seidel, Carl
 Stepanek, Stephen
 Thomas, Joseph
 Villeneuve, Moe

Christiansen, Lars
 Cusson-Cail, Kathleen
 Donovan, Daniel
 Gagne, Larry
 Greazzo, Phil
 Hinch, Richard
 Krasucki, Joseph
 Maltz, Jonathan
 McGuinness, Sean
 Ohm, Bill
 Peterson, Lenette
 Rosenwald, Cindy
 Silva, Peter
 Stroud, Kathleen
 Twombly, Timothy
 Warden, Mark

MERRIMACK

Bouchard, Candace
 DeStefano, Stephen
 Keane, Thomas
 Lindsley, Mark
 McGuire, Dan
 Shurtleff, Stephen

Coffey, Jennifer
 Giuda, J. Brandon
 Kotowski, Frank
 Lockwood, Priscilla
 Reed, Dennis
 Smith, Todd

Cohn, Seth
 Hill, Gregory
 Kreis, Kenneth Sr
 McDonnell, John
 Sanborn, Laurie
 Winter, Steven

Cox, Sean
 Hoell, J.R.
 Lauer-Rago, Kathleen
 McGuire, Carol
 Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Copeland, Timothy
 Duarte, Joe
 Garrity, James
 Headd, James
 Kappler, Lawrence
 Major, Norman
 Murphy, Brian
 Peckham, Michele
 Reichard, Kevin
 Schroadtter, Adam
 Smith, William
 Tasker, Kyle
 Webb, James

Allen, Mary
 Bates, David
 Charron, Gene
 Davenport, Joshua
 Elliott, Robert
 Gould, Kenneth
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Manuse, Andrew
 Nevins, Chris
 Quandt, Marshall
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Welch, David

Antosz, Jason
 Bettencourt, David
 Chirichiello, Brian
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Mauro, Donna
 O'Connor, John
 Quandt, Matt
 Ritter, Glenn
 Sheffert, Kenneth
 Sytek, John
 Tucker, Pamela
 Weyler, Kenneth

Azarian, Gary
 Birdsell, Regina
 Comerford, Timothy
 Dowling, Patricia
 Fesh, Robert
 Hagan, Joseph
 Itse, Daniel
 MacMahon, Bruce
 McMahon, Charles
 Okerman, Richard
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tamburello, Daniel
 Ward, Joanne

STRAFFORD

Andolina, Donald
 Groen, Warren
 Newton, Clifford
 Vita, Carol

Cataldo, Sam
 Jones, Kyle
 O'Connor, William
 Vita, Lucien

Domingo, Baldwin
 Jones, Laura
 Parsons, Robbie
 Weeden, Michael

Ginsburg, Philip
 Larsen, Kirsten
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Lovett, Charlene

Cunningham, Steven
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

Laware, Thomas
 Smith, Steven

NAYS 54 BELKNAP

None

CARROLL

None

CHESHIREHawkes, Samuel
Weber, LucyJohnsen, Gladys
Weed, Charles

Parkhurst, Henry

Sad, Tara

COOS

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTONAguiar, James
Gould, Franklin
Smith, SuzanneAlmy, Susan
Harding, Laurie
Taylor, KathleenBenn, Bernard
Nordgren, Sharon
Townsend, CharlesCooney, Mary
Pierce, David**HILLSBOROUGH**Baroody, Benjamin
Levasseur, Nickolas
Shaw, BarbaraGidge, Kenneth
Long, Patrick
Sullivan, DanielGoley, Jeffrey
Rhodes, BrianGorman, Mary
Rokas, Ted**MERRIMACK**Deloge, Helen
Richardson, Gary

Gile, Mary

MacKay, James

Potter, Frances

ROCKINGHAMDiPentima, Rich
Powers, JamesLovejoy, Patricia
Read, Robin JrMoody, Marcia
Schlachman, Donna

Norelli, Terie

STRAFFORDBrowne, Brendon
Pelletier, Marsha
Wall, JanetHorrigan, Timothy
Schmidt, Peter
Watters, DavidKaen, Naida
Spainhower, DaleKeans, Sandra
Spang, Judith**SULLIVAN**

Cloutier, John

Gagnon, Raymond

and the majority committee report was adopted and ordered to third reading.

LAID ON THE TABLERep. Stepanek moved that **HB 154-FN-A**, increasing a threshold amount for taxation under the business enterprise tax, be laid on the table.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 212 NAYS 86**YEAS 212****BELKNAP**Accornero, Harry
Greemore, Robert
Russell, David
Worsman, ColetteBolster, Peter
Luther, Robert
Simpson, TylerComtois, Guy
Malone, Robert
Tilton, FranklinFields, Dennis
Pilliod, James
Tobin, William**CARROLL**Babson, David Jr
McCarthy, Frank
Scala, DinoChandler, Gene
McConkey, Mark
Schmidt, StephenFleck, Joseph
Morrow, Harry
Tregenza, NormanKnox, J. David
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Hunt, John
Sterling, Franklin Jr

Cartwright, Anne
Johnson, Jane
Tatro, Bruce

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbreton, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Christiansen, Lars
Daniels, Gary
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Robbins, David
Silva, Peter
Swank, Matthew
Uler, Jordan
Willette, Robert

Ball, J. Michael
Brown, Kevin
Coffey, James
Doherty, Shaun
Fredette, Robert
Graham, John
Hinch, Richard
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve

Belanger, James
Burt, John
Coughlin, Sean
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hogan, Edith
Krasucki, Joseph
Maltz, Jonathan
Messier, Irene
Palmer, Barry
Proulx, Mark
Scotsas, Lisa
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Belvin, William
Cebrowski, John
Cusson-Cail, Kathleen
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hopper, Gary
Kurk, Neal
McCarthy, Michael
Moran, Edward
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Smith, Todd

Cohn, Seth
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Winter, Steven

Cox, Sean
Kotowski, Frank
Lockwood, Priscilla
Sanborn, Laurie

Giuda, J. Brandon
Kreis, Kenneth Sr
McDonnell, John
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Quandt, Matt
Sanders, Elisabeth
Smith, William
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Reagan, John
Sedensky, John
Sullivan, James
Ward, Joanne

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
Murphy, Brian
Peckham, Michele
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Nevins, Chris
Quandt, Marshall
Ritter, Glenn
Shuler, Wyman III
Tremblay, Stella
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Pitre, Joseph

DeLemus, Susan
Larsen, Kirsten
Vita, Carol

Groen, Warren
Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas

NAYS 86**BELKNAP**

St. Cyr, Jeffrey

CARROLL

Pettengill, Laurie

CHESHIRE

Carr, Daniel
Parkhurst, Henry

Hawkes, Samuel
Sad, Tara

Johnsen, Gladys
Weber, Lucy

Moore, Charles
Weed, Charles

COOS

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David

HILLSBOROUGH

Balboni, Michael
Condra, William
Gorman, Mary
Marcus, Bruce
Shaw, Barbara

Baroody, Benjamin
DeJong, Cameron
Hikel, John
Rhodes, Brian
Souza, Kathleen

Barry, J. Gail
Gidge, Kenneth
Levasseur, Nickolas
Rokas, Ted
Sullivan, Daniel

Campbell, David
Goley, Jeffrey
Long, Patrick
Rosenwald, Cindy
Warden, Mark

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances

Coffey, Jennifer
Hoell, J.R.
Richardson, Gary

Deloge, Helen
MacKay, James
Shurtleff, Stephen

DeStefano, Stephen
McGuire, Dan

ROCKINGHAM

Calì-Pitts, Jacqueline
Manuse, Andrew
Read, Robin Jr
Tamburello, Daniel

DiPentima, Rich
Moody, Marcia
Reichard, Kevin
Tasker, Kyle

Duarte, Joe
Norelli, Terie
Schlachman, Donna

Lovejoy, Patricia
Powers, James
Schroadter, Adam

STRAFFORD

Browne, Brendon
Kaen, Naida
Schmidt, Peter
Wall, Janet

Domingo, Baldwin
Keans, Sandra
Spainhower, Dale
Watters, David

Ginsburg, Philip
O'Connor, William
Spang, Judith

Horrigan, Timothy
Pelletier, Marsha
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Smith, Steven

and the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Azarian for the Majority of Ways and Means: The extension of the carry forward period gives business ample opportunity to utilize the credit. The jobs and capital improvements that will be created due to this credit will be beneficial to improving the business climate and economy of the state. This bill will retain existing business and promote new business to make an investment in New Hampshire. Vote 14-4.

Rep. William A. Hatch for the Minority of Ways and Means: This bill would increase the carry-forward period for the business enterprise tax (BET) credit against the business profits tax (BPT) from a five year to a ten year period. This would be accomplished by going back one additional tax year to reduce taxes on business profits every year until we reach a ten-year carry-forward in 2016. It would start to hit our revenue stream in 2013 when the extra tax credits based on 2008 losses from the start of the recession kick in. This is part of the budget being worked on now so it is important to know how much loss there would be, in order to pass a balanced budget. However, there is no way as yet to estimate this. The fiscal note indicates that during the last five years an annual average of 3,264 taxpayers (out of more than 40,000 potential users) applied a BET credit against their BPT liability averaging a total of \$15,888,900 per year. However, this average included only one year in which a small recession (2001) could be used against a good year (2006), so most of this revenue loss is background noise. In the case of FY 13, the start of the great recession will be hitting a recovering year, with unknown but surely larger effect. This effect should grow over the following biennium. In addition, this does not account for the fact that unused credits from each year are added to past years, back to the start of the carry-forward, so as we go back to ten years we will double the potential liability we now carry. The department of revenue administration currently has no way of estimating that liability, and so did not try to guess the full impact in the fiscal note. They are nearly finished installing a new system that will make this estimation easier. A business tax commission was put in place last year with the directive to explore business tax issues of this type starting this year, when the new system would be available. The minority considers that to pass something at this juncture which has the potential to create large unanticipated deficits is irresponsible. The minority considers that to add this cut to others already passed without knowing where and how much spending can be cut and without revenue replacements is unreasonable. The minority is attracted to the idea of helping high-tech start-ups, but fears the majority of the money expected by this cut may go to large box store retailers, and would prefer to find another route that is more efficient to the purpose.

The question being adoption of the majority committee report of Ought to Pass.

Reps. Cooney and Hatch spoke against.

Rep. Major spoke in favor and yielded to questions.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 231 NAYS 60**YEAS 231****BELKNAP**

Accornero, Harry
Greemore, Robert
Russell, David
Tobin, William

Bolster, Peter
Luther, Robert
Simpson, Tyler
Worsman, Colette

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey

Fields, Dennis
Pilliod, James
Tilton, Franklin

CARROLL

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Graham, John
Hikel, John
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Willette, Robert

Balboni, Michael
Belvin, William
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hinch, Richard
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan

Ball, J. Michael
Boehm, Ralph
Coffey, James
Daniels, Gary
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hogan, Edith
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Palmer, Barry
Proulx, Mark
Scotsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Barry, J. Gail
Brown, Kevin
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hopper, Gary
Lambert, George
McCarthy, Michael
Moran, Edward
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Shurtleff, Stephen

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Smith, Todd

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Winter, Steven

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

Allen, Mary
Bates, David
Charron, Gene
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Peckham, Michele
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

STRAFFORD

Cataldo, Sam
Jones, Kyle

DeLemus, Susan
Jones, Laura

Domingo, Baldwin
Kaen, Naida

Groen, Warren
Larsen, Kirsten

Newton, Clifford
Sprague, Dale

O'Connor, William
Vita, Carol

Parsons, Robbie
Vita, Lucien

Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 60

BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel
Sad, Tara

Hawkes, Samuel
Tatro, Bruce

Johnsen, Gladys
Weber, Lucy

Parkhurst, Henry
Weed, Charles

COOS

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Taylor, Kathleen

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Nordgren, Sharon

Cooney, Mary
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Gorman, Mary
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Kurk, Neal
Rokas, Ted

Gidge, Kenneth
Levasseur, Nickolas
Rosenwald, Cindy

Goley, Jeffrey
Long, Patrick
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Potter, Frances

Deloge, Helen
Richardson, Gary

Gile, Mary

Mackay, James

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie

DiPentima, Rich
Powers, James

Lovejoy, Patricia
Read, Robin Jr

Moody, Marcia
Schlachman, Donna

STRAFFORD

Browne, Brendon
Pelletier, Marsha
Wall, Janet

Ginsburg, Philip
Schmidt, Peter
Watters, David

Horriggan, Timothy
Spainhower, Dale

Keans, Sandra
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

and the majority committee report was adopted and ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 222-FN, relative to administrative rules which contain a fee increase, allowing political subdivisions to object to a proposed rule, and eliminating certain statutory provisions granting general rulemaking authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter T. Hansen for Executive Departments and Administration: While this bill contains a number of worthy components, which may be incorporated in HB 211, it is the committee's belief that the bill requires further research, and requires additional input from the agencies affected in this sweeping and comprehensive legislation. We found the significant time and attention required by

this bill to be effective would necessarily impact federal programs, current RSA's, program rules, and would negatively impact these programs during the legislative recess prior to which we feel corrective actions could not be instituted. Vote 16-0.

Rep. Carol McGuire moved Recommit and spoke in favor.

Rep. Franklin Gould spoke against.

Adopted.

Recommitted to the Committee on Executive Departments and Administration.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill reestablishes language regarding procedures for receivership of nursing homes and other residential care facilities which was inadvertently repealed on July 1, 2010. The language in HB 479 is crafted to safeguard residents in long term care facilities in the event of bankruptcy or some other emergent event that puts the future of the facility in question. The goal of this legislation is to protect older adults from the disruption and possible adverse health effects that could result from an abrupt or unsuitable transfer. The bill outlines how a receiver for a long term care facility would be appointed. It identifies the qualifications and responsibilities of the receiver as well the financial obligations and eventual termination of those obligations. This bill becomes more important during a time when the future of some of our long term care facilities is precarious. Vote 16-0.

Amendment (0291h)

Amend RSA 151-H:5, I as inserted by section 1 of the bill by replacing it with the following:

I. A receiver shall not be required to honor any lease, mortgage, or secured transaction entered into by the licensee of the facility if the court finds that the lessor, lender, or secured party entered into the agreement with the lessee for a fraudulent purpose or to hinder or delay creditors or the agreement is unrelated to the operation of the facility. If the court finds that the rental, price or rate of interest required to be paid under the agreement is in excess of a reasonable market-based rent, price or rate of interest at the time the agreement was entered into based on the specific circumstances of the licensee and the facility, the receiver shall not be required to pay the excess amount.

Amend RSA 151-H:6, II as inserted by section 1 of the bill by replacing it with the following:

II. The state shall have a lien for any loan under RSA 151-H:4, VII upon the following property: the building in which the facility is located; the land on which the facility is located; and any fixtures, equipment or goods used in the operation of the facility. Such lien shall be prior to any mortgage or lien which the court finds does not have to be honored by the receiver because it has been obtained for a fraudulent purpose, hinders or delays creditors or is unrelated to the operation of the facility, as provided in RSA 151-H:5, I. Such lien shall also be prior to a mortgage or lien held by any person with an ownership interest in the facility; or any person which controls or has the ability to directly or indirectly control to any significant degree the management of policies of the licensee or the facility; or any person related to the licensee or to the facility by any significant degree of common ownership or common control. The receiver shall cause notice of any lien created hereunder to be duly filed.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 146, relative to the right of jury nullification. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would require judges in all court proceedings to "instruct the jury of its inherent right to judge the law and the facts and to nullify any and all actions they find to be unjust." The committee concluded that, as drafted, this bill would incorrectly instruct the jury to put the law on trial rather than the application of the law in the case actually before it. The committee further concluded that the so-called "Wentworth" instruction, by which the judge instructs the jury that if it finds that the prosecution has proved all of the elements of the crime beyond a reasonable doubt, it should find the defendant guilty, adequately informs the jury of its unquestioned right of nullification without misleading it. Vote 15-0.

Rep. Rowe moved Recommit and spoke in favor.

Rep. Wall spoke against.

On a division vote, 208 members having voted in the affirmative and 71 in the negative, the motion was adopted.

Recommitted to the Committee on Judiciary.

HB 375, relative to immunity for school personnel using necessary force to protect pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for Judiciary: This bill addresses a significant problem in New Hampshire schools, namely the imbalance of power favoring students who promote disruption and violence while under a teachers care and supervision. In years past, teachers were not afraid to use reasonable force to control inappropriate or violent student behavior, and generally they would receive parental support. However, in today's litigious society, teachers are afraid to use reasonable force due to lack of parental support and fear of civil and criminal liability. Testimony supported the fact that teachers have been sued and have been criminally charged for acts that were reasonable and were done to control disruptive students. Due to the paralysis caused by legal concerns, disruptive students are controlling classrooms and students are being injured, as teachers are told to call for help when violence erupts. The committee unanimously believes that the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others. Vote 17-0.

Amendment (0157h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to immunity for school personnel using reasonable force to protect pupils.

Amend RSA 627:6, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) A teacher or person otherwise entrusted with the care or supervision of a ~~[minor for special purposes]~~ *pupil* is justified ~~[on the premises]~~ *during the care and supervision of the pupil* in using ~~[necessary]~~ *reasonable* force against any such ~~[minor]~~ *pupil*, when the ~~[minor]~~ *pupil* creates a disturbance, or refuses to leave the premises, or when it is necessary for the maintenance of discipline. *A teacher or person otherwise entrusted with the care or supervision of a pupil shall be immune from any civil or criminal liability for any act or omission performed in good faith and in accordance with this paragraph.*

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Peter Schmidt spoke against.

Rep. Giuda spoke in favor and yielded to questions.

Committee report adopted.

Referred to the Committee on Education.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 2, 2011 at 10:00 a.m. Adopted.

LATE SESSION

Third reading and final passage

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch.

HB 364, relative to the membership of the state committee on aging.

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security.

HB 413, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees.

HB 570, relative to licensure of guides by the fish and game department.

HB 288-FN-L, relative to payment for election services to unincorporated places.

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

HB 278, setting the natural high water mark of Ossipee Lake.

HB 336, designating segments of the Mascoma River as a protected river.

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river.

HB 216, relative to the instructional authority of school boards.

HB 299-FN, relative to the method of financing for the judicial retirement plan.

HB 132, adopting and implementing the United States flag code.

HB 399, relative to nonresident registration of motor vehicles.

HB 72-FN-A, establishing a state aeronautical fund.

HB 209, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts.

HB 172, relative to transporting school children to school and school-supported activities.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services.

HB 36-FN-L, reducing the fee for copies of birth certificates.

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

UNANIMOUS CONSENT

Reps. Gary Richardson, Tamburello and James Belanger addressed the House.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 6:10 p.m.

RECESS

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Leonard off the Committee on Labor, Industrial and Rehabilitative Services.

Rep. Peckham on the Committee on Labor, Industrial and Rehabilitative Services.

RECESS

(Rep. Bettencourt in the Chair)

RESOLUTION

Rep. Ingbretonson offered the following: **RESOLVED**, that late drafting and introduction having been approved by the House on February 15, 2011, House Bill numbered 650 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. (L. Ober, Hills 27; R. Ober, Hills 27; C. McGuire, Merr 8; Special Committee on Education Funding Reform)

RECESS

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Willette off the Special Committee on Public Employee Pensions Reform.

Rep. Bowers on the Special Committee on Public Employee Pensions Reform.

RECESS

(Speaker O'Brien in the Chair)

Rep. Silva moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 9

Wednesday, March 2, 2011

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Dear Lord, alert us once again to our high calling to serve our constituents with goodness of heart and clear-sighted conviction of what is true. Increase our confidence in helping others to flourish, which is a sure sign of our intention that it is right. Travel with us through the breadth and depth of our deliberations as well as through the tangles that stifle our gladness. Remind us to go within Your gates so that You may knock on our spirit and enlighten us with Your serenity and wisdom. Yours are the years and Yours are the seasons. We pray You keep our fellow Americans in foreign lands safe from fear and violence. Guard those who serve in uniform. Show Your great love, this day, to Representative Adam Schroadter of Newmarket and his wife, Suzi, as they experience the death of their pre-born twin boys, Archer Joseph and Logan Christopher. Finally, grant us discerning hearts in our work here, that we may increase Your loving designs and serve with the satisfaction of knowing we have done the best. We pray this in Your Holy name always. Amen.

Representative Peter Silva, member from Nashua, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Gargas, Karen Hutchinson, Jane Johnson, Michael Reed, Jenna Roberts and Weeden, the day, illness.

Reps. Almy, Bradley, Buxton, Condra, Copeland, Daugherty, Day, Drisko, Eaton, Flanders, Hamm, Kolodziej, Leonard, Marcus, Palfrey, Pellegrino, Pelletier, Chip Rice, Seidel, Serlin, Shuler, Todd Smith and Kevin Sullivan, the day, important business.

Rep. Schroadter, the day, death in the family.

INTRODUCTION OF GUESTS

The women's guild of St. Elizabeth Seton Parish in Bedford, guests of Rep. Cebrowski. Rita and Nicole Richardson, Hailey and Daniel Brisson, wife, daughter and grandchildren of Rep. Herb Richardson. Bill and Betty Trueheart, guests of Rep. Notter. Major Thomas Stroud, husband of Rep. Stroud. Carolyn Magri Halstead, Valerie, Adam and Jason Magri, Ellie, James and Sarah Halstead and Risa Yoda, guests of Reps. Daniels, Palmer and Willette.

MOTION TO SUSPEND HOUSE RULES

Reps. Bettencourt and Norelli moved that House Rules be so far suspended as to allow for late drafting and introduction of HB 1-A, HB 2 and HB 25-FN-A.
Adopted.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime, removed by Rep. Guida.

HB 448-FN, relative to spice incense products, removed by Rep. Vaillancourt.

HB 556, relative to citizen complaints against police officers, removed by Rep. Sapareto.

HB 160, requiring decisions and actions of the joint committee on legislative facilities to be ratified by the legislature, removed by Rep. Weber.

HB 350-FN, updating laws relative to the fiscal committee of the general court, removed by Rep. Weber.

Consent Calendar adopted.

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program.
OUGHT TO PASS WITH AMENDMENT.

Rep. Marie N. Sapienza for Children and Family Law: This bill deals with voluntary consent in juvenile diversion law. The sponsor stated that existing statutory wording could be confusing and that courts had occasionally misinterpreted to the detriment of the juvenile. The wording of the amended bill is concise and the court system had no problem with the change. Vote 16-0.

Amendment (0354h)

Amend the bill by replacing sections 1-2 with the following:

1 Delinquent Children; Juvenile Diversion Program; Parental Consent. Amend RSA 169-B:10, III(c) to read as follows:

(c) The minor and the parents, guardian, or other custodian *give knowing, informed, and voluntary* consent [~~with the knowledge that consent is not obligatory~~].

2 Children in Need of Services; Diversion Program; Parental Consent. Amend RSA 169-D:9, III(c) to read as follows:

(c) The child and parent, guardian or other custodian *give knowing, informed, and voluntary* consent [~~with the knowledge that consent is not obligatory~~].

HB 488-FN, relative to criminal records checks for employment with child day care agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David S. Robbins for Children and Family Law: This bill was requested by the department of health and human services (DHHS). It provides for a more limited criminal records check when an employee or volunteer at a child daycare agency which has completed the full criminal records check within the last three years transfers to another child daycare agency. The DHHS states the bill may decrease state, county and local expenditures and state revenue by an undetermined amount in FY 2011, and each year thereafter. There will be no fiscal impact on county or local revenues. The department of safety states the bill will have no fiscal impact on them. Vote 10-0.

Amendment (0378h)

Amend RSA 170-E:7, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. If an individual who is or has been employed or volunteered at a child day care agency is offered employment or volunteers at another child day care agency, the individual shall not be required to submit a new set of fingerprints and undergo a new criminal records check through the Federal Bureau of Investigation, as required in subparagraph II(b), provided that the individual has submitted fingerprints and undergone such a criminal records check under this section within 3 years of the individual's first day of employment or volunteer service at the new agency. Before entering employment or volunteering with the new agency, the individual shall undergo a New Hampshire state criminal records check through the department of safety.

AMENDED ANALYSIS

This bill provides for a more limited criminal records check when an employee or volunteer of a child day care agency, who has completed the full criminal records check within the last 3 years, transfers to another child day care agency.

This bill is a request of the department of health and human services.

HB 490-FN, adopting the interstate compact for juveniles. **OUGHT TO PASS.**

Rep. David S. Robbins for Children and Family Law: This bill adopts the most recent version of the interstate compact for juveniles based on the compact model developed by the council of state governments and the office of juvenile justice and delinquency prevention. This compact shall not interfere with the state's authority to determine policy regarding juvenile offenders and non-offenders within the state. Vote 16-0.

Referred to the Committee on Finance.

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent. **OUGHT TO PASS.**

Rep. Patricia T. Lovejoy for Children and Family Law: This bill streamlines the accounting process for the compensation of mediators and guardians ad litem in marital cases where the parties are indigent. The bill also repeals an obsolete provision regarding the regulation of guardians ad litem by the supreme court. Both issues addressed by this bill are "housekeeping issues." This bill was brought at the request of the supreme court. Vote 13-0.

HB 57, establishing a committee to study the penalties for menace, nuisance, or vicious dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The sponsor of this bill asked for it to be ITL. He felt it would be in the best interest to work with dog owners of the state to bring forth a better bill next session. Vote 16-0.

HB 282-FN, relative to spitting or urinating in an emergency vehicle. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill was ITL'd because there were no provisions made for involuntary loss of bodily functions. What if the person was unconscious and not responsible for his or her actions? A better bill would have inserted the word "deliberately." This would have made this bill acceptable. Vote 15-0.

HB 304, requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety: While the committee agreed that incentives for prisoners completing their high school certificate or GED is not a bad idea per se, we felt that the requirements in this bill would give unfair preference to selected prisoners over those who already have graduated from high school or who simply have no interest in such studies. High school equivalency courses are already offered in prison through Granite State High School. Despite some merits of the bill's intent, even the co-sponsors voted to ITL. Vote 15-0.

HB 372, adding cigar blunt wraps to the definition of drug paraphernalia in the controlled drug act. **INEXPEDIENT TO LEGISLATE.**

Rep. Robbie L. Parsons for Criminal Justice and Public Safety: After consideration, the sponsor requested to ITL/withdraw HB 372. Vote 15-0.

HB 428-FN, relative to the procedures for detention and sanctions for default and breach of conditions of bail and recognizances. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: The committee realizes that this bill would be helpful to the Hillsborough County department of corrections, but passage of this bill would cause unintended consequences for other NH pre-trial supervision programs. This bill would give the jail superintendant the authority to revoke an individual's bail as part of the pre-trial supervision program. In several counties this program is a part of the county attorney's office, not the department of corrections. Furthermore, there is no provision in the bill for a court hearing to determine if there were grounds for the bail revocation. It would be best for the sponsor to work with the NH association of counties to come up with legislation that would be in the best interest of all ten counties. Vote 16-0.

HB 432, limiting traffic violation stops of women at night. **INEXPEDIENT TO LEGISLATE.**

Rep. Phil J. Greazzo for Criminal Justice and Public Safety: The committee believes this to be arbitrary to the spirit of equality in the law and believe women currently have the ability to drive to the nearest police station, or stop in a well lit area during a traffic stop. Vote 15-0.

HB 526-FN-L, requiring the registration of persons convicted of animal abuse. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill, if passed, would be a drain on the financial and personal resources of the state and in particular the department of safety (DOS). This bill would require a substantial financial investment funded by taxpayers and cause added expenses to local police departments and law enforcement agencies. There is no evidence that such a registry is necessary and in fact law enforcement officials already have resources from which they can determine prior records of arrest and conviction of any person, in the state, or out of state. Vote 15-0.

HB 535, relative to the committee to study parole boards and parole board procedures. **OUGHT TO PASS.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee feels that the study that was started in 2010 should continue as there was not time enough to address all the issues. Vote 15-0.

HB 644-FN, relative to various state laws pertaining to unlawfully present aliens. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill would have the NH State Police trained to enforce federal immigration laws. It allows the state police to gather and share information about known illegally present aliens. It further suggests that if the lawful immigration status of a person in the custody of the police cannot be determined the department of homeland security can do it within 48 hours. It further states that any applicant for public benefits must provide proof of citizenship, residency or lawful presence in order to receive benefits. Employers will have responsibility to classify their employees as lawful aliens. The last part of the bill violates habeas corpus stating that once incarcerated he or she cannot get out until the lawful presence is determined. During the public hearing only the sponsor spoke in favor of this bill. The committee agrees with all the rest of those who opposed this bill. Vote 13-0.

HB 105, relative to the required number of instructional days and instructional hours in a school district's calendar. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: This bill is identical to HB 112 which passed the house on 2/9/11. Therefore, this bill is not necessary. Vote 15-0.

HB 467-FN, relative to the procedure for school districts to determine if a child in the juvenile court system is a child with a disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura M. Jones for Education: The sponsor asked us to ITL since it is not needed. Judges currently have discretion in these matters. Vote 14-0.

HB 106, relative to filing for town offices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M. Hoelzel for Election Law: This bill, as amended, would require anybody filing for a town office on the last day of the filing period to file with the town clerk in person. This would provide the town clerk an opportunity to verify that the candidate's name that appears on the form is the actual person. This adopts the same policy for local elections as we have for all other elections. Vote 17-0.

Amendment (0241h)

Amend the bill by replacing section 1 with the following:

1 Nominations; Nonpartisan Ballot System. Amend RSA 669:19 to read as follows:

669:19 Nominations; Nonpartisan Ballot System. In a town which has adopted the nonpartisan ballot system as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the town clerk during the filing period for town candidates. *All candidates who file on the last day of the filing period shall do so in person before the town clerk.* [Such] The filing period shall begin on the seventh Wednesday and end on the Friday of the following week before the town election. Such declaration of candidacy shall be prepared by the town clerk in substantially the following form: I, _____, declare that I am domiciled in the town of _____, and that I am a registered voter therein; that I am a candidate for the office of _____ and hereby request that my name be printed on the official nonpartisan ballot of the town of _____.

AMENDED ANALYSIS

This bill requires that candidates for town offices who file on the last day of the filing period do so in person.

HB 197-L, relative to processing absentee ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for Election Law: This bill would allow moderators to open absentee ballots at any time on election day. Present law requires that absentee ballots be opened at 1:00 p.m. This uniform rule gives challengers notice of when to observe and dispute the counting of improperly cast ballots. HB 197 would deprive our elections of this protection by permitting moderators to open absentee ballots at any time of the day. Consequently people wouldn't know when to be present to challenge those ballots. Vote 17-1.

HB 120, extending the public health services improvement council. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The intent of this bill, extending the public health council which has a primary goal to develop a public health improvement plan, does

not require legislation. Recent legislative changes to the duties of the oversight committee on health and human services provides authority to the oversight committee to “create subcommittees, councils, task forces, or other ancillary bodies as necessary to implement its responsibilities.” The work of the public health council clearly comes under the purview of the oversight committee. The council will work under guidelines and outcomes established by the oversight committee. In addition, this allows the council to continue its work immediately. All committees approved by the oversight committee automatically are repealed at the end of the second year of the legislative session. Vote 15-0.

HB 189, relative to disclosure of certain hospital fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A. Fredette for Health, Human Services and Elderly Affairs: The intent of this bill has been accomplished by an informal agreement with the NH hospital association that it will ensure that the patients are informed of the charge for a facility fee. The effectiveness of this agreement will be confirmed in six (6) months by the oversight committee with the NH hospital association. Vote 15-1.

HB 289, relative to procedures followed by funeral directors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs: This bill for unclaimed remains would add sections that address the issue of missing relatives, criminal death cases, relying on representations and the disposition of unclaimed remains. This bill allows for respectful and dignified disposition of the deceased. Vote 16-0.

Amendment (0132h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Repeal. RSA 325:28, relative to education meetings held by the board of registration of funeral directors and embalmers, is repealed.

AMENDED ANALYSIS

This bill details procedures to be followed by funeral directors when releasing custody of a body.

This bill also eliminates the requirement of the board of registration of funeral directors and embalmers to hold education meetings.

HB 306, relative to access to birth records. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill would enable a “person of interest” to request a copy of the birth worksheet from the state registrar. The birth worksheet contains information that includes personal demographic information as well as information such as alcohol use, prenatal care information, infections present during pregnancy, method of delivery as well as abnormal conditions of the newborn. The committee determined that this was a breach of privacy. Vote 15-0.

HB 510, requiring marital masters to be New Hampshire residents. **OUGHT TO PASS.**

Rep. Brian J. X. Murphy for Judiciary: This bill requires marital masters to be residents of New Hampshire at the time of appointment and throughout their term. Marital masters are contract employees reporting to the judicial branch. The committee felt that these jurists should live in and be subject to the same laws and regulations as the communities that they service. The residency requirement accomplishes this goal. Vote 13-2.

HB 511, relative to retired judges over 70 years of age. **OUGHT TO PASS.**

Rep. J. Brandon Giuda for Judiciary: This bill eliminates the unconstitutional practice of allowing retired judges over the age of 70 to serve as a judge. Part II, Article 78 of the New Hampshire Constitution states, “No person shall hold the office of judge of any court ... after he has attained the age of seventy years.” Part I, Article 35 of the New Hampshire Constitution states that in order to hold a judicial office, one must be “nominated and appointed by the Governor and council.” Part II, Article 73 states that “judicial officers duly appointed, commissioned and sworn, shall hold their offices during good behavior except those for whom a different provision is made in this constitution.” In recent years, the judiciary created and embraced the practice of allowing retired judges over the age of 70 to sit on cases, in order to provide a solution to the political problem of too few judges. When challenged, the New Hampshire supreme court reasoned that although the position required an original nomination and appointment by the governor and council and although the position required good behavior,

holding the position of a temporary judge was not actually “holding office” and therefore there was no statutory or constitutional violation. However, in coming to its decision, the committee believes the supreme court misconstrued legislative intent and the New Hampshire Constitution to conclude that the legislature condoned this practice and the constitution allowed it. In its decision supporting this practice, the supreme court stated, “Permitting retired justices to serve in temporary assignments after the age of seventy substantially increases judicial manpower by making available a greater number of experienced justices. Of course, if the legislature disagrees with our conclusions concerning RSA 490:3, it has the sole authority to amend the statute.” Although the committee agrees that permitting retired justices over the age of 70 to serve may provide a solution, the committee disagrees that this practice is constitutional. The proper solution to the problem is a constitutional amendment which would almost certainly be endorsed by the committee. Vote 11-3.

HB 529-FN*, relative to real property on which methamphetamine has been produced. **INEXPEDIENT TO LEGISLATE.*

Rep. Gary W. Wheaton for Judiciary: This bill would have given the department of environmental services (DES) the power to notify property owners that a methamphetamine drug bust has occurred on their property, and then require the owner to pay for commercial/government approved cleaning services to remediate their properties. The majority of the committee felt this bill would give the DES more powers over property owners than necessary. None of the witnesses testifying before the committee could point out any situations where this has ever caused any adverse health problems to individuals in the past. Vote 14-0.

HB 551*, relative to religious societies. **INEXPEDIENT TO LEGISLATE.*

Rep. Brian J. X. Murphy for Judiciary: This bill seeks to update antiquated statutes regarding religious societies. The committee acknowledged that certain aspects of the statute at issue were likely outdated. However, the committee concluded that statutes are best changed in response to a specific problem or a specific petitioner. In this case, there were no representatives from religious societies advocating for the proposed updates. Without this context, the committee was not in favor of deleting and/or repealing certain aspects of the statute while leaving other sections unchanged. Vote 13-2.

HB 135*, relative to state employee reimbursement for use of a personal vehicle. **INEXPEDIENT TO LEGISLATE.*

Rep. David H. Kidder for Legislative Administration: This bill seemed to be overkill to the committee, in light of several bills passed over the last several sessions, and the response of the administrator of fixed and mobile assets in the department of administrative services. The department is evolving and doing a much better job on efficient fleet utilization. It now has one person dedicated to data collection which is used at the monthly meeting of the vehicle utilization committee. Personal mileage and fleet issues are discussed at those meetings. Vote 12-0.

HB 159*, relative to review of proposed administrative rules by legislative committees. **INEXPEDIENT TO LEGISLATE.*

Rep. William B. Tobin for Legislative Administration: The committee found that a very similar bill was being considered on the same subject and had very similar verbiage, therefore, this bill was redundant. Vote 12-0.

HB 530-FN*, relative to state regulation of the septic system installation process. **INEXPEDIENT TO LEGISLATE.*

Rep. James E. Coffey for Municipal and County Government: This bill transfers the authority to approve septic system design and installation for subsurface sewerage disposal systems, with a capacity of up to 20,000 gallons per day, from the department of environmental services (DES) subsurface systems bureau to the local municipality. This bill mandates that each municipality appoints a local plumbing inspector to perform all functions currently handled by DES. After hearing testimony from the bill's sponsors, installers, designers and representatives of local government the committee voted 14-0 to recommend that the bill was Inexpedient to Legislate. The committee concluded that DES provides a high quality professional service with consistent uniformity throughout the state. The committee felt that this high quality would be seriously compromised, or lost, if it was spread out over more than 20 jurisdictions, most of whom do not want to perform this work. Local towns would need to expend funds to require a back up inspector. Not a single municipality expressed an interest in doing this work. The reduction in the DES workforce would incur a one time charge of

about \$348,000, but there would be little or no future savings for DES since this function is paid for by fees. Based on testimony from DES the state could suffer a reduction of over \$1,000,000 in federal grants should this bill pass. If HB 530-FN were to pass it would endanger our groundwater quality, create an environment that might foster inappropriate and inconsistent behavior at the local level, and place an unfunded mandate on our cities and towns, while eliminating one of DES's most effective programs. Vote 14-0.

HB 550-L, relative to the payment of bills by municipalities. **INEXPEDIENT TO LEGISLATE.** Rep. Betsey L. Patten for Municipal and County Government: The town treasurer has duties described in RSA 41:29. The bill would have authorized the treasurer to designate another town official or employee to pay accounts and claims prior to the approval of the governing body. The committee strongly disagreed with having another person responsible for paying bills. An amendment was presented that would have changed RSA 41:9 which details the financial duties of the selectmen. This amendment gave the town administrator or administrative assistant the authority to pay accounts and claims. The committee again strongly disagreed with this change. Vote 14-0.

HB 139, establishing a committee to study merging the New Hampshire turnpike system and the state highway system. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: The basic premise of this bill proposes to form a committee to study removing the toll plazas on the 89 miles of NH's turnpike system, and replacing them with "the road toll (gas tax) or other sources of revenue or both." The NH turnpike system is currently solvent, and its roads and bridges are in generally very good condition. The reason for this is that toll plaza revenue pays off the turnpike bonds. In order to eliminate the tolls it would necessitate paying off the existing bond holders at a cost of about a 14 cent increase in the road toll (gas tax). This increase does not address the projected \$1.2 billion cumulative 10-year deficit in the highway fund (and its 4,300 miles of road and 2,100 bridges), nor the \$250-300 million underfunding of the I-93 widening. The committee felt that the premise is unreasonable and that a study committee was not necessary. Vote 15-1.

HB 323, establishing a commission to study and promote the long-term growth and efficient use of existing state highway rights-of-way. **INEXPEDIENT TO LEGISLATE.**

Rep. Carl W. Seidel for Public Works and Highways: There is no current need that the department of transportation (DOT) cannot handle adequately and the current financial situation will not allow us to implement most proposed changes. Vote 16-0.

HB 471-FN, relative to the discontinuance of certain tolls and authorizing the department of transportation to establish a toll plaza between exits 1 and 2 on the F.E. Everett turnpike. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: This bill proposes to discontinue toll plazas on the F.E. Everett Turnpike in Merrimack and Bedford, including the mainline toll in Bedford and relocating it between Exits 1 and 2 in Nashua. The committee heard extensive testimony that this toll relocation would cause tremendous traffic diversion onto the already overcrowded Daniel Webster Highway. It was also felt that "tolling" the Massachusetts border would give the wrong message to tourists, and out-of-state business and industry, and would have an unfair impact on NH commuters. The possibility of Massachusetts retaliating by putting a toll on its side of the border was also raised. Vote 16-0.

HB 472-FN, relative to a certain E-Z Pass discount for Nashua toll plazas. **INEXPEDIENT TO LEGISLATE.**

Rep. Carl W. Seidel for Public Works and Highways: There is no need for this bill since the committee does not recommend placing toll booths between Exits 1 and 2 in Nashua (HB 471-FN). Vote 16-0.

HB 497-FN-L, relative to the placement of crosswalks and a stop sign in the town of Rye. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: There is no need for this bill in that the items requested are within the existing authority of the department of transportation. The department will contact town officials and address the town's concerns at the particular intersection in the safest manner possible. Vote 16-0.

HCR 20, urging Congress to expedite the return of the Coast Guard Cutter USCGC Storis to the state of Alaska to become Alaska's first maritime museum. **INEXPEDIENT TO LEGISLATE.** Rep. Daniel J. Tamburello for State-Federal Relations and Veterans Affairs: This HCR is unneeded and is outside the purview and jurisdiction of the state of New Hampshire. It has noble intent but it is not within the powers or responsibilities of New Hampshire to interfere with the movement or possessions of other states. Additionally, neither the relevant historical societies(s) and museum(s), nor the state of Alaska authorities have been notified of this effort to have it coordinated. Vote 12-0.

HCR 21, urging the US Army Corps of Engineers to donate a portion of the wreckage of the USS Chickasaw, which served in the Civil War, to the state of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucien A. Vita for State-Federal Relations and Veterans Affairs: Although of historical interest, the value of the wreckage of the USS Chickasaw to New Hampshire has not been established nor has the cost to New Hampshire for the preparation and transportation of the wreckage to New Hampshire been provided. No testimony was provided regarding the value to New Hampshire museums and/or historical societies. Vote 12-0.

HCR 24, urging the New Hampshire congressional delegation to sponsor legislation implementing policy recommendations of the Congressional Budget Office. **INEXPEDIENT TO LEGISLATE.** Rep. Robert L. Theberge for State-Federal Relations and Veterans Affairs: The prime sponsor requested that the legislation be withdrawn. Out of respect for the sponsor the committee was unanimous in its decision. Vote 13-0.

HR 10, urging the United States Congress to remove tax breaks for companies that send jobs out of the country. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven L. Cunningham for State-Federal Relations and Veterans Affairs: The committee strongly concurs with the sentiment of this resolution. We also recognize that New Hampshire's national delegation is fully aware of this issue and supports policies to resolve the problem. To avoid unnecessary work and expense and to avoid distracting our national delegation, the committee recommends ITL. Vote 12-0.

MOTION TO SPECIAL ORDER

Rep. Chandler moved that **HB 525**, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C., be made a Special Order as the first order of business on the Regular Calendar. Adopted.

REGULAR CALENDAR

SPECIAL ORDER

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways: This bill honors the memory of Corporal Timothy Gibson, USMC, who was killed in action in Iraq in 2005 by naming a bridge in the town of Merrimack in his honor. The amendment simply corrects the DOT inventory number of the bridge. Vote 12-0.

Amendment (0364h)

Amend the bill by replacing section 1 with the following:

1 Bridge Named in Honor of Corporal Timothy Gibson, U.S.M.C. Pursuant to RSA 4:43, the bridge on the F. E. Everett Turnpike at exit 11 that passes over Greeley street in the town of Merrimack, being designated as bridge number 113/089 in the state bridge inventory, shall be named the Corporal Timothy Gibson, U.S.M.C. Memorial Bridge in honor of Corporal Timothy Gibson, U.S.M.C. who was killed in action in Iraq in 2005. Appropriate signage or markers may be placed at the site.

Rep. Nutter spoke in favor.

Amendment adopted.

Committee report adopted and ordered to third reading.

INTRODUCTION OF SPECIAL GUESTS

Speaker O'Brien introduced Tom and Elaine Gibson, parents of Corporal Timothy Gibson, U.S.M.C.

MOTION TO PRINT REMARKS

Rep. Hinch moved that the remarks made by Rep. Notter on **HB 525**, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C., be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Notter, accompanied by the Merrimack delegation: Good Morning and a special hello to Tom and Elaine Gibson, Bill and Betty Trueheart and everyone else who is here today in support of Tim's bridge. Corporal Timothy Gibson of the United States Marines paid the ultimate price in service to our country in 2005. I remember that everyone in my town of Merrimack seemed to be affected when the young marine died in Iraq. It was another marine, Gary Gahan, who brought the idea to me to draft a bill to name a bridge in Merrimack after Corporal Gibson. I wish I could take the credit because I am proud and honored to be the prime sponsor of this bill. When the hearing was held in Public Works I noticed that not one of us in support of the bill actually knew Tim Gibson personally; we just knew he was from our town. He was from the great State of New Hampshire and a United States Marine. Semper Fi. Those who serve in the military, in a sense, belong to all of us. We are proud of our service men and women and when one of them falls, we wish to honor them. The anguish that their parents feel every single day is one that none of us wants to experience and we wish that, for them, the pain could subside. Naming a bridge after Tim will remind all who travel that our country was attacked on 9/11 and many answered the call to see that it never happens again, including the young marine from Merrimack, Corporal Timothy Gibson, U.S.M.C. May his memory be eternal. I hope you will support this bill. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of Corporal Timothy Gibson, U.S.M.C.

REGULAR CALENDAR (CONT'D)

HB 29, permitting a person to petition the superior court for any action pertaining to a pistol or revolver license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Larry G. Gagne for the Majority of Criminal Justice and Public Safety: This bill would have allowed denial of a concealed weapon license to be heard in superior court. RSA 159:6-c was designed to allow a denial to be heard in a district court. This allows the applicant to appeal the decision of the issuing authority either pros or cons with an attorney. If the issuing authority did not follow the procedure outlined in RSA 159:c, License to Carry, the procedure then is outlined in RSA 159:6-d, which allows the applicant to file in superior court. The passage of HB 29 would be costly and time consuming for both the applicant and the issuing authority. It would also be costly for the taxpayers. This statute has served gun owners since its inception in 1998, when it was introduced and supported by gun owners, passed by the general court and signed into law by the governor. Vote 11-6.

Rep. Robbie L. Parsons for the Minority of Criminal Justice and Public Safety: The minority believes that HB 29 should have been amended and be OTP. 1) Remove municipal court, as they no longer exist. 2) Add superior court because RSA 491.7 states of actions commenced in a district court which are transferable by statute to the superior court.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Howard and Laware spoke against.

Rep. Hoell spoke against and yielded to questions.

Rep. Welch spoke in favor and yielded to questions.

Rep. Cunningham requested a roll call; sufficiently seconded.

YEAS 167 NAYS 168

YEAS 167

BELKNAP

Accornero, Harry
Pilliod, James

Bolster, Peter
Swinford, Elaine

Fields, Dennis
Tilton, Franklin

Millham, Alida
Tobin, William

CARROLL

Babson, David Jr
Schmidt, Stephen

Chandler, Gene
Umberger, Karen

Fleck, Joseph

Patten, Betsey

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry
Sterling, Franklin Jr

Carr, Daniel
Hunt, John
Roberts, Kris
Tatro, Bruce

Chase, Cynthia
Johnsen, Gladys
Sad, Tara
Weber, Lucy

Dwinell, Richard
Meador, David
Smith, Edwin
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Townsend, Charles

Benn, Bernard
Harding, Laurie
Reilly, Harold Sr
White, Andrew

Bulis, Lyle
Nordgren, Sharon
Simard, Paul

Cooney, Mary
Pastor, Beatriz
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Champagne, Norma
Cusson-Cail, Kathleen
Gimas, John
Hawkins, Kenneth
Katsiantonis, Thomas
Messier, Irene
Pilotte, Maurice
Rosenwald, Cindy
Twombly, Timothy

Belanger, James
Christensen, D.L. Chris
Erickson, Duane
Goley, Jeffrey
Hutchinson, Winfred
Kurk, Neal
Moran, Edward
Porter, Marjorie
Rowe, Robert
Willette, Robert

Belvin, William
Christiansen, Lars
Gagne, Larry
Graham, John
Jasper, Shawn
LeBrun, Donald
Palmer, Barry
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Cote, David
Gidge, Kenneth
Haefner, Robert
Judy, Jean
Long, Patrick
Pepino, Leo
Rokas, Ted
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Patten, Dick
Walner, Mary Jane

Coffey, Jennifer
Gile, Mary
MacKay, James
Potter, Frances
Watrous, Rick

Deloge, Helen
Hess, David
McDonnell, John
Reed, Dennis
Williams, Robert

DeStefano, Stephen
Kidder, David
Owen, Derek
Shurtleff, Stephen
Winter, Steven

ROCKINGHAM

Allen, Mary
Charron, Gene
Duarte, Joe
Lovejoy, Patricia
Murphy, Brian
Packard, Sherman
Read, Robin Jr
Sytek, John
Waterhouse, Kevin

Azarian, Gary
Devine, James
Fesh, Robert
Major, Norman
Nevins, Chris
Pantelakos, Laura
Sanders, Elisabeth
Tucker, Pamela
Welch, David

Cali-Pitts, Jacqueline
DiPentima, Rich
Garritty, James
McKinney, Betsy
Norelli, Terie
Powers, James
Schlachman, Donna
Waddell, James
Weyler, Kenneth

Case, Frank
Dowling, Patricia
Gould, Kenneth
Moody, Marcia
O'Connor, John
Quandt, Marshall
Sedensky, John
Ward, Joanne

STRAFFORD

Andolina, Donald
Cataldo, Sam
Hofemann, Roland
Larsen, Kirsten
Sprague, Dale

Berube, Roger
Ginsburg, Philip
Hooper, Dorothea
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

Browne, Brendon
Harty, Martin
Keans, Sandra
Spang, Judith

SULLIVAN

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 168**BELKNAP**Comtois, Guy
Malone, Robert
Worsman, ColetteGreemore, Robert
Russell, DavidKingsbury, Robert
Simpson, TylerLuther, Robert
St. Cyr, Jeffrey**CARROLL**Knox, J. David
Pettengill, LaurieMcCarthy, Frank
Scala, DinoMcConkey, Mark
Tregenza, Norman

Morrow, Harry

CHESHIREByrnes, John
Moore, CharlesCartwright, Anne
Moore, Robert Jr

Emerson, Susan

Lindsey, Steven

COOS

Remick, William

GRAFTONBrosseau, Charles
Mirski, PaulGionet, Edmond
Shackett, JeffreyIngbretson, Paul
Sorg, GregoryLadd, Rick Jr
Sova, Charles**HILLSBOROUGH**Avard, Kevin
Bergevin, Jerry
Cebrowski, John
Doherty, Shaun
Gandia, Laura
Hikel, John
Hopper, Gary
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Soucy, Connie
Ulery, Jordan
Whitehead, RandallBall, J. Michael
Boehm, Ralph
Coffey, James
Donovan, Daniel
Greazzo, Phil
Hinch, Richard
Krasucki, Joseph
McGuinness, Sean
Ober, Lynne
Parison, James
Scotsas, Lisa
Stroud, Kathleen
Vaillancourt, SteveBarry, J. Gail
Brown, Kevin
Daniels, Gary
Emerton, Larry
Hansen, Peter
Hogan, Edith
Levasseur, Nickolas
Mecheski, Holly
Ober, Russell III
Peterson, Lenette
Silva, Peter
Swank, Matthew
Villeneuve, MoeBarry, Richard
Burt, John
DeJong, Cameron
Fredette, Robert
Hardwick, Harry
Holden, Frank
Maltz, Jonathan
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Simmons, Tammy
Terrio, Ross
Warden, Mark**MERRIMACK**Blankenbeker, Lynne
Hill, Gregory
Lauer-Rago, Kathleen
Richardson, JonCohn, Seth
Hoell, J.R.
Lindsley, Mark
Sanborn, LaurieCox, Sean
Keane, Thomas
McGuire, Carol
Seaworth, G. BrianGiuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Dan
Smith, Molly**ROCKINGHAM**Abrami, Patrick
Bettencourt, David
Comerford, Timothy
Ferrante, Beverly
Headd, James
Lundgren, David
McMahon, Charles
Perkins, Amy
Reichard, Kevin
Sapienza, Marie
Tamburello, Daniel
Wheaton, GaryAntosz, Jason
Birdsell, Regina
Davenport, Joshua
Garcia, Marilinda
Introne, Robert
MacMahon, Bruce
Okerman, Richard
Perkins, Lawrence
Rice, Frederick
Sheffert, Kenneth
Tasker, KyleBaldasaro, Alfred
Brown, Paul
DeSimone, Debra
Griffin, Mary
Itse, Daniel
Manuse, Andrew
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Smith, William
Tremblay, StellaBates, David
Chirichiello, Brian
Elliott, Robert
Hagan, Joseph
Kappler, Lawrence
Mauro, Donna
Peckham, Michele
Reagan, John
Sapareto, Frank
Sullivan, James
Webb, James

STRAFFORD

DeLemus, Susan
Jones, Laura
Panek, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie

Horrigan, Timothy
Newton, Clifford
Pitre, Joseph

Jones, Kyle
O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Rodeschin, Beverly

Cloutier, John
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

with Speaker O'Brien voting in the affirmative, the majority committee report failed, 168-168.
Rep. Bettencourt moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 475-FN, relative to penalties under the consumer protection act. **OUGHT TO PASS.**

Rep. Philip E. Ginsburg for Criminal Justice and Public Safety: The law currently allows only misdemeanor charges under the consumer protection act against an individual, regardless of the value of the goods or services involved in the crime. The committee believes it is appropriate to let the punishment better fit the crime by allowing a charge of class B felony for values between \$1,000 and \$1,500 and a class A felony for a value of more than \$1,500. Vote 13-1.

Rep. Swinford moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 572-FN, relative to official oppression. **OUGHT TO PASS.**

Rep. Mark Warden for Criminal Justice and Public Safety: This bill revises the offense of official oppression by making it either a class B misdemeanor or a violation, depending on whether a public servant acted with a purpose to benefit oneself or another or to harm another. The committee felt that the intention of this bill, to increase accountability of public servants, is a positive step towards better government. Vote 9-5.

Committee report adopted and ordered to third reading.

HB 240, allowing voters to vote for multiple candidates for an office. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Shawn N. Jasper for the Majority of Election Law: This bill, which would institute approval voting, would fundamentally change the way we elect the people who represent us. Under this election system citizens could vote for as many candidates as they "approve" of. If this bill became law, even the proponents admit that a candidate who in a traditional election would have won the popular vote can lose and a candidate who would have gotten the least number of votes could win. While it is true that the winner would be "approved" by the greatest number of voters, it would essentially give us governance by "whomever." When those we elect do not have a base of strong support it is almost always impossible for them to govern effectively. The only example of a political organization using this method of voting that can be found is the United Nations – need we say more? Vote 15-3.

Rep. Cameron W. DeJong for the Minority of Election law: This bill is a simple idea which eliminates spoilers, gamesmanship and tossed ballots at essentially no cost while maintaining the familiar ballot form and counting methods. It does this by allowing the voter to express a separate opinion on each candidate, i.e. "would that candidate be a good choice for that office?" This approach would lead to more widely supported candidates and greater voter satisfaction. Unfortunately the bill was discussed by opponents in its public hearing in such a way that many aspects of the bill were misunderstood. For example, it was alleged that cities like San Francisco use this method while in reality they use very expensive and problematic instant runoff voting (IRV) systems. The minority believes that this bill should be retained by the committee for further review to work on the exact wording of its ballot, instructions, and to alleviate concerns brought forth by the Secretary of State.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Dan McGuire moved Recommit and spoke in favor.

Reps. Bowers and Cohn spoke in favor.

Rep. DeJong spoke in favor and yielded to questions.

Reps. Bates and Bettencourt spoke against.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 68 NAYS 272

YEAS 68 BELKNAP

Comtois, Guy Worsman, Colette

CARROLL

Knox, J. David Pettengill, Laurie Tregenza, Norman

CHESHIRE

Cartwright, Anne Hunt, John Johnsen, Gladys Lindsey, Steven
Moore, Charles Weed, Charles

COOS

Coulombe, Gary

GRAFTON

Sorg, Gregory

HILLSBOROUGH

Avard, Kevin	Ball, J. Michael	Burt, John	DeJong, Cameron
Greazzo, Phil	Hansen, Peter	Hardwick, Harry	Infantine, William
Maltz, Jonathan	McCarthy, Michael	Murphy, Keith	Palmer, Stephen
Pratt, Calvin	Scotsas, Lisa	Simmons, Tammy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	

MERRIMACK

Cohn, Seth	Giuda, J. Brandon	Hill, Gregory	Hoell, J.R.
Lauer-Rago, Kathleen	McGuire, Carol	McGuire, Dan	Owen, Derek
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	

ROCKINGHAM

Brown, Paul	Elliott, Robert	Garcia, Marilinda	Lundgren, David
Manuse, Andrew	Okerman, Richard	Oligny, Jeffrey	Reagan, John
Sapareto, Frank	Sapienza, Marie	Smith, William	Tasker, Kyle
Tremblay, Stella			

STRAFFORD

DeLemus, Susan	Groen, Warren	Hofemann, Roland	Jones, Kyle
Jones, Laura	O'Connor, William	Parsons, Robbie	Pitre, Joseph
Vita, Lucien			

SULLIVAN

Bowers, Spec Cunningham, Steven Smith, Steven

NAYS 272

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Greemore, Robert
Kingsbury, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Tobin, William	

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Scala, Dino

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Butynski, William
Dwinell, Richard
Meador, David
Sad, Tara
Weber, Lucy

Byrnes, John
Emerson, Susan
Moore, Robert Jr
Smith, Edwin

Carr, Daniel
Hawkes, Samuel
Parkhurst, Henry
Sterling, Franklin Jr

Chase, Cynthia
Lerandean, Alfred
Roberts, Kris
Tatro, Bruce

COOS

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

GRAFTON

Aguiar, James
Cooney, Mary
Ingbretonson, Paul
Pastor, Beatriz
Simard, Paul
Townsend, Charles

Benn, Bernard
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Smith, Suzanne
White, Andrew

Brosseau, Charles
Gould, Franklin
Mirski, Paul
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Harding, Laurie
Nordgren, Sharon
Shackett, Jeffrey
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Belanger, James
Brown, Kevin
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Emerton, Larry
Gandia, Laura
Gorman, Mary
Hikel, John
Hopper, Gary
Katsiantonis, Thomas
Levasseur, Nickolas
Mecheski, Holly
Ober, Lynne
Parison, James
Porter, Marjorie
Rosenwald, Cindy
Stroud, Kathleen
Thomas, Joseph

Baroody, Benjamin
Belvin, William
Brunelle, Michael
Christiansen, Lars
Daniels, Gary
Erickson, Duane
Gidge, Kenneth
Graham, John
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Long, Patrick
Messier, Irene
Ober, Russell III
Pepino, Leo
Renzullo, Andrew
Rowe, Robert
Sullivan, Daniel
Twombly, Timothy

Barry, J. Gail
Bergevin, Jerry
Cebrowski, John
Coffey, James
Doherty, Shaun
Fredette, Robert
Gimas, John
Haefner, Robert
Hogan, Edith
Jasper, Shawn
Kurk, Neal
McClarren, Donald
Moran, Edward
Ohm, Bill
Peterson, Lenette
Rhodes, Brian
Silva, Peter
Swank, Matthew
Whitehead, Randall

Barry, Richard
Boehm, Ralph
Champagne, Norma
Cote, David
Donovan, Daniel
Gagne, Larry
Goley, Jeffrey
Hawkins, Kenneth
Holden, Frank
Judy, Jean
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pilotte, Maurice
Rokas, Ted
Soucy, Connie
Terrio, Ross
Willette, Robert

MERRIMACK

Blankenbaker, Lynne
Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Bouchard, Candace
DeStefano, Stephen
Keane, Thomas
MacKay, James
Reed, Dennis
Watrous, Rick

Coffey, Jennifer
Foote, Robert
Kidder, David
McDonnell, John
Shurtleff, Stephen
Williams, Robert

Cox, Sean
Frazer, June
Lindsley, Mark
Patten, Dick
Smith, Molly
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline

Allen, Mary
Bates, David
Case, Frank

Antosz, Jason
Bettencourt, David
Charron, Gene

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian

Comerford, Timothy
DiPentima, Rich
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Major, Norman
Moody, Marcia
O'Connor, John
Perkins, Amy
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Tucker, Pamela
Webb, James

Davenport, Joshua
Dowling, Patricia
Garrity, James
Headd, James
Kappler, Lawrence
Mauro, Donna
Murphy, Brian
Packard, Sherman
Perkins, Lawrence
Read, Robin Jr
Sanders, Elisabeth
Sullivan, James
Waddell, James
Welch, David

DeSimone, Debra
Duarte, Joe
Gould, Kenneth
Hoelzel, Kathleen
Lovejoy, Patricia
McKinney, Betsy
Nevins, Chris
Pantelakos, Laura
Powers, James
Reichard, Kevin
Schlachman, Donna
Sytek, John
Ward, Joanne
Weyler, Kenneth

Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
MacMahon, Bruce
McMahon, Charles
Norelli, Terie
Peckham, Michele
Quandt, Marshall
Rice, Frederick
Sedensky, John
Tamburello, Daniel
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Cataldo, Sam
Hooper, Dorothea
Larsen, Kirsten
Schmidt, Peter
Wall, Janet

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Munck, Philip
Spainhower, Dale
Watters, David

Brown, Julie
Grassie, Anne
Kaen, Naida
Newton, Clifford
Sprague, Dale

Browne, Brendon
Harty, Martin
Keans, Sandra
Panek, William
Vita, Carol

SULLIVAN

Cloutier, John
Laware, Thomas
Rodeschin, Beverly
and the motion failed.

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

Howard, Thomas
Lovett, Charlene

LaCasse, Paul Sr
Osgood, Joe

The question now being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Vaillancourt and Dan McGuire spoke against and yielded to questions.
Rep. Bates spoke in favor.
Rep. Jasper spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 303 NAYS 44

YEAS 303

BELKNAP

Accornero, Harry
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Tobin, William

Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Scala, Dino

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Butynski, William
Dwinell, Richard
Lerandeau, Alfred
Parkhurst, Henry
Sterling, Franklin Jr

Byrnes, John
Emerson, Susan
Meader, David
Roberts, Kris
Tatro, Bruce

Carr, Daniel
Hawkes, Samuel
Moore, Charles
Sad, Tara
Weber, Lucy

Chase, Cynthia
Hunt, John
Moore, Robert Jr
Smith, Edwin

COOS

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

GRAFTON

Aguiar, James
Cooney, Mary
Ladd, Rick Jr
Pierce, David
Smith, Suzanne
White, Andrew

Benn, Bernard
Gionet, Edmond
Mirski, Paul
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Gould, Franklin
Nordgren, Sharon
Shackett, Jeffrey
Taylor, Kathleen

Bulis, Lyle
Harding, Laurie
Pastor, Beatriz
Simard, Paul
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Belanger, James
Brown, Kevin
Champagne, Norma
Cote, David
Donovan, Daniel
Gagne, Larry
Goley, Jeffrey
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Katsiantonis, Thomas
Levasseur, Nickolas
McGuinness, Sean
Notter, Jeanine
Parison, James
Porter, Marjorie
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Twombly, Timothy
Willette, Robert

Baroody, Benjamin
Belvin, William
Brunelle, Michael
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Emerton, Larry
Gandia, Laura
Gorman, Mary
Hardwick, Harry
Hogan, Edith
Infantine, William
Krasucki, Joseph
Long, Patrick
Mecheski, Holly
Ober, Lynne
Pepino, Leo
Ramsey, Peter
Rosenwald, Cindy
Silva, Peter
Swank, Matthew
Ulery, Jordan

Barry, J. Gail
Bergevin, Jerry
Campbell, David
Christiansen, Lars
Daniels, Gary
Erickson, Duane
Gidge, Kenneth
Graham, John
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Rowe, Robert
Soucy, Connie
Terrio, Ross
Villeneuve, Moe

Barry, Richard
Boehm, Ralph
Gebrowski, John
Coffey, James
Doherty, Shaun
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Hopper, Gary
Judy, Jean
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Barry
Pilotte, Maurice
Rhodes, Brian
Scontos, Lisa
Stroud, Kathleen
Thomas, Joseph
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Gile, Mary
Keane, Thomas
Lockwood, Priscilla
Owen, Derek
Sanborn, Laurie
Watrous, Rick

Bouchard, Candace
DeStefano, Stephen
Giuda, J. Brandon
Kidder, David
MacKay, James
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Coffey, Jennifer
Foose, Robert
Hess, David
Lauer-Rago, Kathleen
McDonnell, John
Potter, Frances
Smith, Molly
Winter, Steven

Cox, Sean
Frazer, June
Hill, Gregory
Lindsley, Mark
McGuire, Carol
Reed, Dennis
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline
Comerford, Timothy
DiPentima, Rich
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Lundgren, David
McKinney, Betsy
Nevins, Chris
Packard, Sherman
Perkins, Lawrence
Read, Robin Jr

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Norelli, Terie
Pantelakos, Laura
Powers, James
Reagan, John

Antosz, Jason
Bettencourt, David
Charron, Gene
DeSimone, Debra
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Moody, Marcia
O'Connor, John
Peckham, Michele
Quandt, Marshall
Reichard, Kevin

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Lovejoy, Patricia
Mauro, Donna
Murphy, Brian
Oigny, Jeffrey
Perkins, Amy
Quandt, Matt
Rice, Frederick

Ritter, Glenn
Sedensky, John
Sytek, John
Waddell, James
Welch, David

Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Sapareto, Frank
Smith, William
Tasker, Kyle
Waterhouse, Kevin
Wheaton, Gary

Schlachman, Donna
Sullivan, James
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Cataldo, Sam
Hofemann, Roland
Keans, Sandra
O'Connor, William
Spainhower, Dale
Wall, Janet

Berube, Roger
Ginsburg, Philip
Hooper, Dorothea
Larsen, Kirsten
Panek, William
Spang, Judith
Watters, David

Brown, Julie
Grassie, Anne
Horrigan, Timothy
Munck, Philip
Pitre, Joseph
Sprague, Dale

Browne, Brendon
Harty, Martin
Kaen, Naida
Newton, Clifford
Schmidt, Peter
Vita, Carol

SULLIVAN

Cloutier, John
LaCasse, Paul Sr
Osgood, Joe

Cunningham, Steven
Laware, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

Howard, Thomas
Lovett, Charlene

NAYS 44

BELKNAP

Comtois, Guy

CARROLL

Knox, J. David

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Johnsen, Gladys

Lindsey, Steven

Weed, Charles

COOS

Coulombe, Gary

GRAFTON

Ingbreton, Paul

Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Greazzo, Phil
Ober, Russell III
Vaillancourt, Steve

Ball, J. Michael
Lambert, George
Palmer, Stephen
Warden, Mark

Burt, John
Maltz, Jonathan
Pratt, Calvin

DeJong, Cameron
Murphy, Keith
Simmons, Tammy

MERRIMACK

Cohn, Seth
Seaworth, G. Brian

Hoell, J.R.

McGuire, Dan

Richardson, Jon

ROCKINGHAM

Brown, Paul
Sapienza, Marie

Garcia, Marilinda
Tremblay, Stella

Manuse, Andrew

Okerman, Richard

STRAFFORD

DeLemus, Susan
Parsons, Robbie

Groen, Warren
Vita, Lucien

Jones, Kyle

Jones, Laura

SULLIVAN

Bowers, Spec
and the majority committee report was adopted.

Smith, Steven

MOTION TO PRINT DEBATE

Rep. Manuse moved that the debate on **HB 240**, allowing voters to vote for multiple candidates for an office, be printed in the Permanent Journal.

On a division vote, 60 members having voted in the affirmative and 283 in the negative, the motion failed.

MOTION TO SUSPEND HOUSE RULES

Rep. Lambert moved that House Rules be suspended to allow a motion of reconsideration on **HB 539-FN**, repealing the state enforcement of OBD II requirements for motor vehicles, past the deadline of the last day to act on House bills going to a second committee.

Rep. Lambert spoke in favor.

Rep. Jasper spoke against.

On a division vote, 103 members having voted in the affirmative and 241 in the negative, the motion failed lacking the necessary two-thirds vote.

REGULAR CALENDAR (CONT'D)

HB 194, repealing the prohibition on having or carrying certain crossbow, rifles, or shotguns in vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Lyle E. Bulis for Fish and Game and Marine Resources: The committee heard extensive testimony and then debated two relevant amendments that ultimately failed. The majority of the committee voiced strong concern about the safety of those in, on or around vehicles containing loaded firearms. The majority of the committee feels that the existing firearms statutes should not be changed. The department of safety, the fish and game department, and the New Hampshire police chiefs association among many others voiced opposition to this bill. Vote 12-4.

Rep. Hopper moved Recommit, spoke in favor and requested a roll call; sufficiently seconded.

YEAS 241 NAYS 108**YEAS 241****BELKNAP**

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Greemore, Robert	Kingsbury, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McConkey, Mark	Merrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Lindsey, Steven	Moore, Charles	Moore, Robert Jr
Roberts, Kris	Smith, Edwin	Sterling, Franklin Jr	

COOS

Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
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GRAFTON

Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul	Sorg, Gregory
Sova, Charles	Taylor, Kathleen		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Burt, John	Champagne, Norma

Christensen, D.L. Chris
 Daniels, Gary
 Emerton, Larry
 Gonzalez, Carlos
 Haefner, Robert
 Hinch, Richard
 Hutchinson, Winfred
 Kurk, Neal
 McClarren, Donald
 Moran, Edward
 Ober, Russell III
 Parison, James
 Renzullo, Andrew
 Simmons, Tammy
 Terrio, Ross
 Vaillancourt, Steve
 Willette, Robert

Christiansen, Lars
 DeJong, Cameron
 Erickson, Duane
 Gorman, Mary
 Hansen, Peter
 Hogan, Edith
 Infantine, William
 Lambert, George
 McGuinness, Sean
 Murphy, Keith
 Ohm, Bill
 Pepino, Leo
 Rowe, Robert
 Soucy, Connie
 Thomas, Joseph
 Villeneuve, Moe

Coffey, James
 Doherty, Shaun
 Gagne, Larry
 Graham, John
 Hardwick, Harry
 Holden, Frank
 Jasper, Shawn
 Maltz, Jonathan
 Mecheski, Holly
 Notter, Jeanine
 Palmer, Barry
 Peterson, Lenette
 Scontsas, Lisa
 Stroud, Kathleen
 Twombly, Timothy
 Warden, Mark

Cusson-Cail, Kathleen
 Donovan, Daniel
 Gandia, Laura
 Greazzo, Phil
 Hikel, John
 Hopper, Gary
 Krasucki, Joseph
 McCarthy, Michael
 Messier, Irene
 Ober, Lynne
 Palmer, Stephen
 Pratt, Calvin
 Silva, Peter
 Swank, Matthew
 Ulery, Jordan
 Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Kreis, Kenneth Sr
 McDonnell, John
 Richardson, Jon
 Winter, Steven

Coffey, Jennifer
 Hill, Gregory
 Lauer-Rago, Kathleen
 McGuire, Carol
 Sanborn, Laurie

Cohn, Seth
 Hoell, J.R.
 Lindsley, Mark
 McGuire, Dan
 Seaworth, G. Brian

Cox, Sean
 Keane, Thomas
 Lockwood, Priscilla
 Owen, Derek
 Smith, Molly

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Cali-Pitts, Jacqueline
 Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Manuse, Andrew
 Murphy, Brian
 Oligny, Jeffrey
 Quandt, Marshall
 Ritter, Glenn
 Sheffert, Kenneth
 Tamburello, Daniel
 Ward, Joanne
 Wheaton, Gary

Antosz, Jason
 Bettencourt, David
 Case, Frank
 DeSimone, Debra
 Ferrante, Beverly
 Griffin, Mary
 Introne, Robert
 Lundgren, David
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Quandt, Matt
 Sapareto, Frank
 Smith, William
 Tasker, Kyle
 Waterhouse, Kevin

Azarian, Gary
 Birdsell, Regina
 Chirichiello, Brian
 Dowling, Patricia
 Fesh, Robert
 Hagan, Joseph
 Itse, Daniel
 MacMahon, Bruce
 McKinney, Betsy
 O'Connor, John
 Perkins, Amy
 Reagan, John
 Sapienza, Marie
 Sullivan, James
 Tremblay, Stella
 Welch, David

Baldasaro, Alfred
 Brown, Paul
 Comerford, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Kappler, Lawrence
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Perkins, Lawrence
 Rice, Frederick
 Sedensky, John
 Sytek, John
 Waddell, James
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Groen, Warren
 Larsen, Kirsten
 Panek, William
 Vita, Lucien

Brown, Julie
 Harty, Martin
 Munck, Philip
 Parsons, Robbie

Cataldo, Sam
 Jones, Kyle
 Newton, Clifford
 Pitre, Joseph

DeLemus, Susan
 Jones, Laura
 O'Connor, William
 Vita, Carol

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 108 BELKNAP

Luther, Robert

CARROLL

McCarthy, Frank

Umberger, Karen

CHESHIRE

Butynski, William
Johnsen, Gladys
Sad, Tara

Carr, Daniel
Lerandeau, Alfred
Tatro, Bruce

Chase, Cynthia
Meader, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn
Tremblay, Marc

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Pastor, Beatriz
White, Andrew

Benn, Bernard
Gould, Franklin
Pierce, David

Brosseau, Charles
Harding, Laurie
Smith, Suzanne

Bulis, Lyle
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
LeBrun, Donald
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Fredette, Robert
Hawkins, Kenneth
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Judy, Jean
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Cebrowski, John
Gimas, John
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Patten, Dick
Wallner, Mary Jane

DeStefano, Stephen
Hess, David
Potter, Frances
Watrous, Rick

Foose, Robert
Kidder, David
Reed, Dennis
Williams, Robert

ROCKINGHAM

Allen, Mary
Gould, Kenneth
Pantelakos, Laura
Sanders, Elisabeth

Charron, Gene
Lovejoy, Patricia
Powers, James
Schlachman, Donna

Devine, James
Moody, Marcia
Read, Robin Jr
Tucker, Pamela

DiPentima, Rich
Norelli, Terie
Reichard, Kevin
Webb, James

STRAFFORD

Berube, Roger
Hofemann, Roland
Keans, Sandra
Sprague, Dale

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Horriggan, Timothy
Spainhower, Dale
Watters, David

Grassie, Anne
Kaen, Naida
Spang, Judith

SULLIVAN

Cloutier, John
Adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

Recommitted to the Committee on Fish and Game and Marine Resources.

BILL REMOVED FROM THE CONSENT CALENDAR

HB 556, relative to citizen complaints against police officers. **INEXPEDIENT TO LEGISLATE.**
Rep. Robbie L. Parsons for Criminal Justice and Public Safety: This is a personnel issue for which most towns and cities already have procedures in place. Also, all personnel issues are not public. Vote 11-3.

Reps. Manuse and Gagne spoke against.

Rep. Sapareto spoke against and yielded to questions.

Rep. Jasper spoke in favor.

On a division vote, 241 members having voted in the affirmative and 102 in the negative, the committee report was adopted.

REGULAR CALENDAR (CONT'D)

HB 259, requiring the supreme court to adopt rules of evidence for the judicial branch family division. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill would require the supreme court to adopt rules of evidence to be followed uniformly in the family division. Established experimentally in 2005 by enactment of RSA Chapter 490-D and gradually expanded thereafter, the family division has taken over jurisdiction of many family-related matters formerly exercised by the superior, district or probate courts. Apparently, by reason that Chapter 490-D is silent on the subject and that many parties in the family division appear pro se, that is, without attorneys, proceedings in the courtroom have typically been conducted informally, without requiring adherence to the New Hampshire rules of evidence followed in the other courts. While superficially such informality would appear to be helpful and conducive to getting to the facts, in actual practice it encourages such abuses as the making of accusations and recriminations on the basis of hearsay, which cannot be effectively rebutted, leading to confusion and disorder in the court and injustice to the accused. The qualification in this bill that the rules adopted should be based on the present rules of evidence "to the extent practicable" should provide the marital master with the necessary flexibility. Vote 10-5.

Committee report adopted and ordered to third reading.

HB 584, authorizing coastal management provisions in master plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: The master plan in a community gives the residents the opportunity to give guidance to the planning board about how they want to see their community grow and change. There are fourteen subjects that are spelled out in RSA 674:2, III. One of those subjects is "natural hazard section which documents the physical characteristics, severity, frequency and extent of any potential natural hazards to the community." The committee noted that coastal management in relationship to rising sea levels fits into the mission of this paragraph. The committee also realizes that the Army Corp of Engineers, the coastal management plan for New Hampshire and the department of environmental services already have a variety of rules and regulations. The majority of the committee agreed that coastal management was already covered by the master plan. Vote 13-1.

Rep. Watters spoke against.

Rep. Betsey Patten spoke in favor.

Committee report adopted.

HB 64-FN, authorizing medal insignias on special number plates for veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Hikel for Transportation: This bill is very well intentioned. However, there are plans in committee to deal with creating a multi-use plate to be used by many organizations. Vote 14-0. Committee report adopted.

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John R. Cloutier for Transportation: This bill, as amended, would enforce the requirement of boaters to have a safe boater education certificate only as a secondary action when an operator of a motorized or registered vessel has been cited, charged with, or issued a written warning for a violation or some other offense, or as a primary action when an operator is involved in an accident or when an operator is the subject of a complaint made to a peace officer or an agent of the director of the marine patrol division of the department of safety. Vote 12-3.

Amendment (0084h)

Amend the bill by replacing section 1 with the following:

1 Safe Boater Education Certificate; Possession Required. Amend RSA 270-D:11, III to read as follows:

III. Enforcement of this section shall be accomplished only as a secondary action when an operator of a motorized or registered vessel has been cited, [or] charged with, *or issued a written warning for* a violation or some other offense, *or as a primary action when an operator is involved in an accident or when an operator is the subject of a complaint made to a peace officer or an agent of the director.*

AMENDED ANALYSIS

This bill permits enforcement of the requirement of boaters to have a safe boater education certificate when the operator is issued a written warning for a violation or offense or when the operator is involved in an accident or is the subject of a complaint.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 441-FN, relative to muffling devices on boats. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John A. Hikel for Transportation: This bill allows an already compliant exhaust system on boats to be manually switched to allow above water exhaust to be diverted underwater to further quiet and be of enjoyment to all those in lake homes. Furthermore, this practice at high rpm's is potentially very damaging internally, which will ensure the practice will be at low speeds - approximately 10-15 mph. Vote 14-0.

Amendment (0367h)

Amend the bill by replacing section 1 with the following:

I Muffling Devices. RSA 270:25, II is repealed and reenacted to read as follows:

II. A boat may be equipped with a switchable device that will reduce the exhaust noise level in compliance with the limits established by RSA 270:37.

Amendment adopted.

Committee report adopted and ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: This bill would have set up a procedure for the return of personal property seized under RSA 173-B by law enforcement agencies. The committee felt that the bill had merit, but there were several issues that the sponsors hadn't addressed that were brought to the committee's attention during the bill's hearing including the proposed time limits, how the issue of contraband would be addressed, how this bill might conflict with RSA 606:10, II, etc. The committee recommends that the sponsors work with the department of safety on a new bill for next year's session. Because of the changes that need to be made, the bill would be changed substantially, thus allowing it to be introduced in the second half of the biennium. Vote 14-2.

Rep. Jasper moved Recommit.

Rep. Swinford spoke in favor.

Adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 448-FN, relative to spice incense products. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill presents a slippery slope with no foreseeable end. Any product used against its intended and instructed use can be dangerous. This product has no greater potential for abuse or danger than any number of legally sold products. Vote 11-5. Rep. Tasker spoke in favor.

Rep. Emerson spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 158 NAYS 188

YEAS 158

BELKNAP

Comtois, Guy
Luther, Robert
Tobin, William

Fields, Dennis
Malone, Robert
Worsman, Colette

Greemore, Robert
Simpson, Tyler

Kingsbury, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Tregenza, Norman

Babson, David Jr
Umberger, Karen

Knox, J. David

Patten, Betsey

CHESHIRE

Cartwright, Anne
Smith, Edwin

Hunt, John

Lindsey, Steven

Moore, Robert Jr

COOS

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Aguilar, James
Simard, Paul

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

Mirski, Paul

HILLSBOROUGH

Avard, Kevin
Belanger, James
Daniels, Gary
Gagne, Larry
Gonzalez, Carlos
Hawkins, Kenneth
Holden, Frank
Maltz, Jonathan
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Simmons, Tammy
Ulery, Jordan

Balboni, Michael
Belvin, William
DeJong, Cameron
Gandia, Laura
Graham, John
Hikel, John
Hopper, Gary
McCarthy, Michael
Notter, Jeanine
Parison, James
Renzullo, Andrew
Soucy, Connie
Vaillancourt, Steve

Ball, J. Michael
Boehm, Ralph
Erickson, Duane
Gidge, Kenneth
Greazzo, Phil
Hinch, Richard
Kurk, Neal
McClarren, Donald
Ober, Lynne
Pepino, Leo
Rowe, Robert
Swank, Matthew
Villeneuve, Moe

Barry, Richard
Christensen, D.L. Chris
Fredette, Robert
Gimas, John
Haefner, Robert
Hogan, Edith
Levasseur, Nickolas
McGuinness, Sean
Ober, Russell III
Peterson, Lenette
Silva, Peter
Terrio, Ross
Warden, Mark

MERRIMACK

Coffey, Jennifer
Hess, David
Kidder, David
McGuire, Dan
Smith, Molly

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
Richardson, Jon
Winter, Steven

Cox, Sean
Hoell, J.R.
Lockwood, Priscilla
Sanborn, Laurie

Giuda, J. Brandon
Keane, Thomas
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Allen, Mary
Bates, David
Davenport, Joshua
Fesh, Robert
Kappler, Lawrence
O'Connor, John
Quandt, Matt
Sapienza, Marie
Tasker, Kyle
Weyler, Kenneth

Antosz, Jason
Brown, Paul
Devine, James
Garrity, James
MacMahon, Bruce
Okerman, Richard
Reagan, John
Sedensky, John
Tremblay, Stella

Azarian, Gary
Chirichiello, Brian
Duarte, Joe
Headd, James
Major, Norman
Packard, Sherman
Ritter, Glenn
Smith, William
Tucker, Pamela

Baldasaro, Alfred
Comerford, Timothy
Elliott, Robert
Itse, Daniel
McKinney, Betsy
Quandt, Marshall
Sapareto, Frank
Sytek, John
Welch, David

STRAFFORD

Browne, Brendon
Groen, Warren
Jones, Laura
Parsons, Robbie

Cataldo, Sam
Harty, Martin
Keans, Sandra
Pitre, Joseph

DeLemus, Susan
Horrigan, Timothy
Newton, Clifford
Vita, Lucien

Ginsburg, Philip
Jones, Kyle
O'Connor, William

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas

Laware, Thomas

NAYS 188 BELKNAP

Accornero, Harry
Russell, David

Bolster, Peter
St. Cyr, Jeffrey

Millham, Alida
Tilton, Franklin

Pilliod, James

CARROLL

Chandler, Gene
Morrow, Harry

Fleck, Joseph
Pettengill, Laurie

McCarthy, Frank
Scala, Dino

McConkey, Mark
Schmidt, Stephen

CHESHIRE

Butynski, William
Dwinell, Richard
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Byrnes, John
Emerson, Susan
Meador, David
Sad, Tara
Weed, Charles

Carr, Daniel
Hawkes, Samuel
Moore, Charles
Sterling, Franklin Jr

Chase, Cynthia
Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Remick, William
Tremblay, Marc

Theberge, Robert

GRAFTON

Benn, Bernard
Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

Brosseau, Charles
Harding, Laurie
Pierce, David
Taylor, Kathleen

Bulis, Lyle
Ladd, Rick Jr
Reilly, Harold Sr
Townsend, Charles

Cooney, Mary
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Brunelle, Michael
Champagne, Norma
Cusson-Cail, Kathleen
Garity, Patrick
Hardwick, Harry
Jeuzy, Jean
Long, Patrick
Ohm, Bill
Rhodes, Brian
Shaw, Barbara
Twombly, Timothy

Barry, J. Gail
Burt, John
Christiansen, Lars
Doherty, Shaun
Goley, Jeffrey
Hutchinson, Winfred
Katsiantonis, Thomas
Mecheski, Holly
Palmer, Barry
Rokas, Ted
Stroud, Kathleen
Whitehead, Randall

Bergevin, Jerry
Campbell, David
Coffey, James
Donovan, Daniel
Gorman, Mary
Infantine, William
Krasucki, Joseph
Messier, Irene
Pilotte, Maurice
Rosenwald, Cindy
Sullivan, Daniel
Willette, Robert

Brown, Kevin
Cebrowski, John
Cote, David
Emerton, Larry
Hansen, Peter
Jasper, Shawn
LeBrun, Donald
Moran, Edward
Porter, Marjorie
Scoutsas, Lisa
Thomas, Joseph

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Lindsley, Mark
Patten, Dick
Wallner, Mary Jane

Bouchard, Candace
Frazer, June
MacKay, James
Potter, Frances
Watrous, Rick

Deloge, Helen
Gile, Mary
McDonnell, John
Reed, Dennis
Williams, Robert

DeStefano, Stephen
Lauer-Rago, Kathleen
Owen, Derek
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Case, Frank
Dowling, Patricia
Griffin, Mary
Katsakiores, Phyllis
McMahon, Charles
Norelli, Terie
Perkins, Amy
Reichard, Kevin
Sheffert, Kenneth
Ward, Joanne

Bettencourt, David
Charron, Gene
Ferrante, Beverly
Hagan, Joseph
Lovejoy, Patricia
Moody, Marcia
Oligny, Jeffrey
Perkins, Lawrence
Rice, Frederick
Sullivan, James
Waterhouse, Kevin

Birdsell, Regina
DeSimone, Debra
Garcia, Marilinda
Hoelzel, Kathleen
Lundgren, David
Murphy, Brian
Pantelakos, Laura
Powers, James
Sanders, Elisabeth
Tamburello, Daniel
Webb, James

Cali-Pitts, Jacqueline
DiPentima, Rich
Gould, Kenneth
Introne, Robert
Mauro, Donna
Nevins, Chris
Peckham, Michele
Read, Robin Jr
Schlachman, Donna
Waddell, James

STRAFFORD

Andolina, Donald
Hooper, Dorothea
Panek, William
Sprague, Dale

Brown, Julie
Kaen, Naida
Schmidt, Peter
Vita, Carol

Grassie, Anne
Larsen, Kirsten
Spainhower, Dale
Wall, Janet

Hofemann, Roland
Munck, Philip
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
Lovett, Charlene

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr
Smith, Steven

Lefebvre, Benjamin

and the committee report failed.

Rep. Welch moved Recommit.

On a division vote, 211 members having voted in the affirmative and 138 in the negative, the motion was adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 160, requiring decisions and actions of the joint committee on legislative facilities to be ratified by the legislature. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marilinda J. Garcia for Legislative Administration: This bill, as amended, would change one word in RSA 17-E:5-a, pursuant to the decisions and actions of the joint committee on legislative facilities. The word "use" is changed to "operation," thus allowing for specificity in application of decision making authority about state buildings. Vote 12-0.

Amendment (0063h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to decisions and actions of the joint committee on legislative facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Joint Committee on Legislative Facilities; Powers and Duties. Amend RSA 17-E:5-a, VIII to read as follows:

VIII. To establish policies regarding the ~~[use]~~ **operation** of the facilities under control of the legislature in the state house, the legislative office building, the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management.

2 New Section; Joint Committee on Legislative Facilities; Stay of Committee Action. Amend RSA 17-E by inserting after section 5-a the following new section:

17-E:5-b Stay of Committee Action. A decision or action of the committee pursuant to RSA 17-E:5-a shall be effective unless the chairperson of the committee is presented a notice by a member of the general court indicating the intent to petition for reversal or amendment of the decision or action. The stay of the committee action shall be effective for 14 calendar days upon the filing of the notice. During the 14-day period, the petition shall be signed by at least 25 percent of the members of the body originating a petition for stay, otherwise the stay shall be removed. If the required signatures are achieved, the stay shall continue and the member shall cause to be introduced a concurrent resolution reversing or amending the decision or action of the committee. A concurrent resolution under this section may be introduced at any time during the legislative session. It shall be subject to the same rules as any other concurrent resolution introduced at the beginning of the legislative session. The decision or action of the committee shall be stayed pending the final disposition of the concurrent resolution addressing the matter.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows for decisions and actions of the joint committee on legislative facilities to be stayed pending a concurrent resolution to reverse or amend the decision or action. The bill also clarifies the powers of the committee to establish policies for the operation of legislative facilities. Rep. Mirski spoke in favor.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 350-FN, updating laws relative to the fiscal committee of the general court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marilinda J. Garcia for Legislative Administration: This bill, as amended, is a housekeeping measure that updates laws relative to the fiscal committee of the General Court. It streamlines laws between the house and senate. Vote 12-0.

Amendment (0238h)

Amend the bill by replacing section 37 with the following:

37 State Financing of Court Facilities. Amend RSA 490-B:5, II to read as follows:

II. The amount to be paid for each court facility shall be negotiated by the ~~[administrative office of the courts and approved by the court accreditation commission]~~ **department of administrative services** and shall be subject to final approval ~~[by the fiscal committee of the general court and]~~ by the governor and council **or the department of administrative services, whichever is applicable under statutes, rules, or the procedures of governor and council.**

AMENDED ANALYSIS

This bill updates laws relative to the fiscal committee of the general court.

This bill also makes technical corrections to a law relative to court facility financing to reflect current procedures for negotiation and approval of leases.

Rep. Mirski spoke against.

Amendment failed.

The question now being adoption of the motion of Ought to Pass.

Adopted.

Referred to the Committee on Executive Departments and Administration.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that late drafting and introduction having been approved by the House and in accordance with the list in the possession of the Clerk, House Bill numbered 25 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 25-FN-A, making appropriations for capital improvements. (Chandler, Carr 1; Boutin, Dist 16: Public Works and Highways)

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 15, 2011 at 9:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program.

HB 488-FN, relative to criminal records checks for employment with child day care agencies.

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent.

HB 535, relative to the committee to study parole boards and parole board procedures.

HB 106, relative to filing for town offices.

HB 289, relative to procedures followed by funeral directors.

HB 510, requiring marital masters to be New Hampshire residents.

HB 511, relative to retired judges over 70 years of age.

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C.

HB 572-FN, relative to official oppression.

HB 259, requiring the supreme court to adopt rules of evidence for the judicial branch family division.

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate.

HB 441-FN, relative to muffling devices on boats.

UNANIMOUS CONSENT

Reps. DeLemus and Rowe addressed the House.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 12:45 p.m.

RECESS

(Rep. Chandler in the Chair)

RESOLUTION

Rep. Cataldo offered the following: **RESOLVED**, that late drafting and introduction having been approved by the House and in accordance with the list in the possession of the Clerk, House Bills numbered 1 and 2 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. (Weyler, Rock 8: Finance)

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Weyler, Rock 8: Finance)

RECESS

(Speaker O'Brien in the Chair)

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 651 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 651, allowing the sale and possession of monk parakeets. (Notter, Hills 19; Avard, Hills 20; Peterson, Hills 19; Scontsas, Hills 22; Cox, Merr 6; Pitre, Straf 3; Hill, Merr 6: Fish and Game and Marine Resources)

RECESS

(Speaker O'Brien in the Chair)

Rep. Silva moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 10

Tuesday, March 15, 2011

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Eternal Father, we are humbly grateful and praise You for the good and gracious land in which we live, for the place that is our home, for the upcoming spring that will release us from the burdens of travel, and for a state that presupposes that we are free to share a common vision of liberty. We hold up all those we care for in our families, our schools and places of worship and especially Representative Schroader and his wife, Susie, who still need Your strength and ours to believe in the cycle of life sustained by You. We pray for all our members and their needs and concerns. We ask for enduring strength for those who suffer from war or the uncertainties of nature. Help us in our work today, not to get bogged down with the governing machinery or to reinvent the day. Give us the humility to see each new day as Yours and a confidence which keeps us optimistic for the future. We pray this in Your name. Amen.

Representative Michele Peckham, member from North Hampton, led the Pledge of Allegiance.

The National Anthem was sung by Annie and Becky Pasternell, home schooled students from Wolfeboro.

LEAVES OF ABSENCE

Reps. Beattie, Ronald Belanger, Day, Grassie, Kingsbury, Lundgren and Sapienza, the day, illness. Reps. Ahlgren, Chase, Comtois, Hill, Kolodziej, Leonard, Mark Lindsley, Bruce MacMahon, Barry Palmer, Shackett, Daniel Sullivan and Weed, the day, important business.

Rep. Schroader, the day, death in the family.

INTRODUCTION OF GUESTS

D. Patrick McGuiness, brother of Rep. McGuiness. Katy Peternel, mother of the singers, guest of the Wolfeboro delegation. The Honorable Laurie Boyce, former member from Alton, guest of Rep. Blankenbeker.

Samantha Puckett of Bishop Brady High School, Page for the day.

COMMUNICATION

March 14, 2011

Dear Speaker O'Brien,

I hereby submit my resignation from the House of Representatives effective March 14, 2011.

Representative Martin Harty

Accepted by the Speaker.

MOTION TO SUSPEND HOUSE RULES

Reps. Bettencourt and Wallner move that House Rules be so far suspended as to allow the deadline for reporting on **HB 580-FN-L**, relative to the New Hampshire retirement system, **HB 648**, relative to eminent domain petitions by public utilities, **HB 649**, relative to the Northern Pass Project to construct and operate transmission lines from the Canadian border to a proposed terminal in Franklin, New Hampshire, and **HB 651**, allowing the sale and possession of monk parakeets, be extended to no later than March 24, 2011 and the deadline for House action be extended to no later than March 31, 2011.

Adopted by the necessary two-thirds vote.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 562, relative to overdraft fees charged by banks, removed by Rep. Brunelle.

HB 577, relative to the use of foreign languages by retail establishments, removed by Rep. Weber.

HB 617, repealing the prohibitions on Sunday business activities, removed by Rep. Infantine.

HB 453-FN-L, making persons fleeing to avoid prosecution or custody or violating parole or probation ineligible to receive certain disability aid, removed by Rep. Shurtleff.

HB 552, establishing a committee to study repealing the revisions to the law implemented by SB 500-FN of the 2010 legislative session, removed by Rep. Pepino.

HB 421, relative to candidates for United States senator, removed by Rep. Cote.

HB 484-FN, requiring random drug testing of food stamp program participants, removed by Rep. MacKay.

HB 485-FN, relative to requiring photo identification for food stamp program participants, removed by Rep. MacKay.

HB 489-FN, relative to health information exchange, removed by Rep. Tucker.

HB 573, relative to the administration of certain pain relief medications by a school nurse, removed by Rep. Notter.

HB 569-FN, establishing domestic union as a valid contract and extending certain rights to parties to a domestic union, removed by Rep. Cohn.

HB 640-FN, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians, removed by Rep. Kurk.

HB 641-FN, relative to lien authority for the office of reimbursements within the department of health and human services, removed by Rep. Kurk.

HB 26-FN, clarifying the definition of gross misconduct for purposes of unemployment compensation, removed by Rep. Giuda.

HB 621-FN-L, relative to the authority of the department of transportation, removed by Rep. Chandler.

HCR 13, urging Congress to pass legislation against losses in value due to money supply by the federal reserve; restoring gold and silver money; and phasing out the federal reserve system, removed by Rep. Kris Roberts.

HCR 15, ordering our federal senators to vote against the Law of the Sea Convention, removed by Rep. Horrigan.

HB 549, relative to driver's license reexaminations, removed by Rep. Cox.

Consent Calendar adopted.

Rep. Gimás declared a conflict of interest on **HB 503** and did not participate in the vote on the Consent Calendar.

HB 435, establishing a committee to study joint parenting decisions. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A. Dowling for Children and Family Law: The topics and subject matters contained in this bill will be covered in HB 597 and HB 563; also in the 2009 child support study. The sponsor indicated that it would be acceptable to have the substance of this bill, namely court awards of parenting time, child support formulas and their amendment incorporated in other related bills so as to avoid duplication, thus the above-referenced bills. Committee voted ITL. Vote 11-0.

HB 512, relative to education requirements for certification as a guardian ad litem. **INEXPEDIENT TO LEGISLATE.**

Rep. Marie N. Sapienza for Children and Family Law: This bill requires guardian ad litem (GAL's) to receive education and training in areas of child development and family dynamics including parental alienation. The GAL program has evidenced some problem areas and this bill is an attempt to help improve the education component. However, HB 614 proposes a performance audit of, among other things, GAL education and training. The committee feels that a prudent approach is to review the results and recommendations of a professional audit of the system that will include the educational piece, before requiring additional education components. Vote 11-0.

HB 597, revising the child support guidelines based on an income shares model of calculating child support. **OUGHT TO PASS.**

Rep. Edward P. Moran for Children and Family Law: This bill amends the current child support formula found in RSA 458-C:3 to adopt an income shares model used by most states. This approach is largely the result of discussions and recommendations contained in the University of New Hampshire 2009 New Hampshire child support guidelines review and recommendations. The income shares model is based on economic studies indicating that as parents' combined income increases, the percent of total income spent on child support declines. Thus, the income shares formula uses

both the number of children and level of parents' combined income as major variables. In current formula, both parents' adjusted incomes are combined to establish a total child support obligation based on a fixed percentage determined by the number of children. Total obligation is then divided between parties based on their relative income. The income share model complies with federal rules requirements for state support guidelines. Vote 11-0.

HB 31, relative to insurance payments for ambulance services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill was submitted to create a more level playing field for reimbursement to ambulance service providers by insurance companies. Reimbursement by one insurer for the benefit of the ambulance services was being sent directly to the beneficiary who would not always pay the ambulance service. Questions also arose on differing reimbursement rates between insurers. To minimize costs to all health insurers and therefore health insurance purchasers, the insurer agreed to direct pay the ambulance service providers and the providers agreed reimbursement rates subject to the terms and conditions of the policy, plan or contract. RSA 415:6-9 and RSA 415:18-V will be amended to reflect same. Vote 17-0.

Amendment (0554h)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Ambulance Service Providers; Reimbursement. Amend RSA 415 by inserting after section 6-p the following new section:

415:6-q Reimbursement for Ambulance Service Providers. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medically necessary ambulance services shall reimburse the ambulance service provider directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract. Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a non-participating ambulance provider that establishes rates of reimbursement for emergency medical services.

2 New Section; Ambulance Service Providers; Reimbursement. Amend RSA 415 by inserting after section 18-u the following new section:

415:18-v Reimbursement for Ambulance Service Providers. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medically necessary ambulance services shall reimburse the ambulance service provider directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract. Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a non-participating ambulance provider that establishes rates of reimbursement for emergency medical services.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill requires that the providers of ambulance services be reimbursed directly or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract.

HB 102, establishing a committee to study merging the insurance department, banking department, and securities division of the office of the secretary of state. **OUGHT TO PASS WITH AMENDMENT.** Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill, as amended, will establish a study committee to examine ways to improve communications among the insurance department, banking department, and bureau of securities regulation. It will also address confidentiality issues among the various departments and make recommendations regarding specific changes in the appropriate statutes. The committee may also solicit information from any source deemed relevant to its study. Vote 16-0.

Amendment (0266h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee's study shall include, but not be limited to:

(a) Ways to improve communications among the insurance department, banking department, and bureau of securities regulation.

(b) Addressing the confidentiality issues of the various departments and making recommendations regarding specific changes in the appropriate statutes.

II. The committee may solicit information from any source deemed relevant to its study.

AMENDED ANALYSIS

This bill establishes a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

HB 175, relative to technical changes in life, accident, and health insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H. Flanders for Commerce and Consumer Affairs: This bill is a request of the insurance department and makes certain technical changes to the laws pertaining to life, Health and accident insurance. Vote 16-0.

Amendment (0742h)

Amend RSA 402:82, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A written or electronic signature of the applicant. *In the case of group life, accident, or health insurance, the certificate holder insured under the group health policy is not the applicant.* Amend RSA 420-G:5, VIII as inserted by section 7 of the bill by replacing it with the following:

VIII. Health carriers shall provide coverage for medically necessary dental services resulting from an accidental injury to sound natural teeth and gums when the course of treatment for the accidental injury is received or authorized within 3 months of the date of the injury. Treatment made necessary due to injury to the jaw and oral structures other than teeth shall be covered without time limit. Coverage hereunder shall be subject to such other terms and conditions of the policy that may apply.

HB 237, relative to federal mandated health insurance benefits. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill requires any health insurance benefits implemented pursuant to federal health care reform to be 100 percent funded by federal funds. Unfortunately we cannot control federal funding at the state level. Vote 17-0.

HB 246, relative to prearranged funeral contracts or burial plans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill establishes procedures for contracts involving prearranged funeral contracts or burial plans, and provides for consumer protection by setting guidelines and standards to ensure the contracts are fairly written. This act strengthens the current law to provide a level of protection for New Hampshire families. This bill is supported by the NH funeral directors association who would like to see New Hampshire go from a poor national rating in the area of detailed consumer disclosures to an excellent rating. Vote 15-1.

Amendment (0281h)

Amend RSA 325:46-a, I-III as inserted by section 1 of the bill by replacing it with the following:

I. Any prearranged funeral contract that involves the payment of money to a trust account or the purchase or assignment of an insurance policy or annuity shall be in writing and shall include all of the following information:

(a)(1) The name, address, and phone number of the seller and the name and address of the purchaser of the contract.

(2) If the contract beneficiary is someone other than the purchaser of the contract, the name and address of the contract beneficiary.

(3) If the contract involves the payment of money but not the purchase or assignment of an insurance policy or annuity, the social security number of the purchaser of the contract or if the contract beneficiary is someone other than the purchaser, the social security number of the contract beneficiary.

(b) A statement of the funeral goods and funeral services purchased, which may be made by attaching a copy of the completed statement of funeral goods and services selected to the prearranged funeral contract.

(c) A disclosure explaining the form in which the purchase price shall be paid and, if the price is to be paid in installments, a disclosure to the purchaser regarding what constitutes a default under the prearranged funeral contract and the consequences of the default.

(d) A disclosure informing the purchaser whether the contract is either a guaranteed prearranged funeral contract or a nonguaranteed prearranged funeral contract, and, if the contract is guaranteed only in part, a disclosure specifying the funeral goods or funeral services included in the guarantee.

(e) If the prearranged funeral contract is a guaranteed contract, a disclosure that the seller, in exchange for all of the proceeds of the trust, insurance policy, or annuity, shall provide the funeral goods and funeral services set forth in the prearranged funeral contract without regard to the actual cost of such funeral goods and funeral services prevailing at the time of performance.

(f) If the prearranged funeral contract is a nonguaranteed contract, a disclosure that:

(1) The proceeds of the trust, insurance policy, or annuity shall be applied to the retail prices in effect at the time of the funeral for the funeral goods and funeral services set forth in the contract;

(2) Any excess funds remaining after all expenses for the funeral have been paid shall be paid to the estate of the decedent or the beneficiary named in the life insurance policy if the prearranged funeral contract is funded by a life insurance policy; and

(3) In the event of an insufficiency in funds, the seller shall not be required to perform until payment arrangements satisfactory to the seller have been made.

(g) A disclosure that:

(1) The purchaser has the right to make the contract irrevocable and that if the prearranged funeral contract is irrevocable, the purchaser does not have a right to revoke the contract.

(2) The purchaser has the right to make the contract revocable, the purchaser has the right to revoke a revocable prearranged funeral contract.

(h) A disclosure informing the purchaser of the initial right to cancel the prearranged funeral contract within 10 days. Any purchaser, on initially entering into a prearranged funeral contract may, within 10 days after entering into that contract, rescind the contract and request and receive from the seller of the contract all payments made under the contract.

(i) A disclosure that the seller may substitute funeral goods or funeral services of equal quality, value, and workmanship if those specified in the prearranged funeral contract are unavailable at the time of need.

(j) A disclosure that any purchaser of funeral goods and funeral services is entitled to receive price information prior to making that purchase in accordance with the Federal Trade Commission's funeral industry practices revised rule, 16 C.F.R. part 453;

II. If the purchaser of a prearranged funeral contract that is revocable elects to cancel the contract, the purchaser shall provide a written notice to the seller of the contract and the trustee of the prearranged funeral contract trust stating that the purchaser intends to cancel the contract. Fifteen days after the purchaser provides that notice to the seller and trustee, the purchaser may cancel the contract.

III. The purchaser of a prearranged funeral contract that is irrevocable may transfer the prearranged funeral contract to a successor seller. A purchaser who elects to make such a transfer shall provide a written notice of the designation of a successor seller to the trustee and the original seller. Within 15 days after receiving the written notice of the new designation from the purchaser, the trustee shall list the successor seller as the seller of the prearranged funeral contract and the original seller shall relinquish and transfer all rights under the prearranged funeral contract to the successor seller. The trustee shall confirm the transfer by providing written notice of the transfer to the original seller, the successor seller, and the purchaser.

HB 248, establishing a commission to study business regulations in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick C. Rice for Commerce and Consumer Affairs: This bill establishes a commission comprised of representatives from the legislature and both the private and public sectors, diversely representative of the state by geography and industry. The commission will examine labor and work force regulations, and environmental and construction regulations, and submit a report with recommendations to improve the business environment in New Hampshire. The amendment served only to correct and clarify the names of some of the representative agencies. Vote 15-2.

Amendment (0738h)

Amend RSA 359-K:1, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Public members representing the following groups and interests, appointed in such a manner as to create a commission comprised of representatives from both the private and public sector, diversely representative of the state by geography and by industry:

(1) One representative of the New Hampshire Business and Industry Association, appointed by the association.

(2) One representative of the Greater Manchester Chamber of Commerce, appointed by that organization.

(3) One representative of the Greater Nashua Chamber of Commerce, appointed by that organization.

(4) One representative of the Franconia Notch Chamber of Commerce, appointed by that organization.

(5) One representative of the Upper Valley Bi-State Regional Chamber of Commerce, appointed by that organization.

(6) One representative of the Greater Portsmouth Chamber of Commerce, appointed by that organization.

(7) One representative of the Retail Merchants Association of New Hampshire, appointed by the association.

(8) One representative of the New Hampshire Lodging and Restaurant Association, appointed by the association.

(9) One representative of the Home Builders and Remodelers Association of New Hampshire, appointed by the association.

(10) One representative of the NH/VT chapter of Associated Builders and Contractors, Inc., appointed by that organization.

(11) One member representing human resources professionals, appointed by HR State Council of New Hampshire, the New Hampshire affiliate of the Society for Human Resource Management.

(12) One representative of the National Association of Professional Employer Organizations, appointed by that organization.

(13) One representative of the New Hampshire Automobile Dealers Association, appointed by the association.

(14) One representative of the New Hampshire High Technology Council, appointed by that organization.

(15) One representative of the New Hampshire Manufacturing Extension Partnership, appointed by that organization.

(16) One representative of the New Hampshire Small Business Development Center, appointed by that organization.

(17) Two public members, appointed by the office of the governor.

HB 255, requiring consumer protection for prepaid services. **INEXPEDIENT TO LEGISLATE.** Rep. Donna L. Schlachman for Commerce and Consumer Affairs: This bill addressed an important consumer issue and was supported by the attorney general's office which has dealt with complaints from people paying for a good or service in advance and not receiving the good or service. Unfortunately, the bill was too broadly written. It would have allowed individuals to terminate a prepaid agreement for a good or service at any point, even if the service was partially provided or the good partially used, and receive their prepaid funds. The committee, working with the consumer protection bureau, was unable to craft workable language free of unintended consequences. Vote 12-0.

HB 280, relative to interest rate terms in contracts for providing credit to consumers. **INEXPEDIENT TO LEGISLATE.**

Rep. David J. Palfrey for Commerce and Consumer Affairs: This bill limits the interest rate that may be charged by New Hampshire creditors under an open-ended credit plan to 6 percentage points above the prime interest rate, unless the consumer has failed to make a payment under the plan during the preceding 12 months. The committee felt that this legislation placed New Hampshire regulated lenders at a disadvantage in the lending market place since it did not apply to out of state lenders. It was also felt by the committee that additional regulation of interest notes was not necessary. Vote 17-0.

HB 291, relative to permissible fireworks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sean M. McGuinness for Commerce and Consumer Affairs: This bill repeals a statutory committee system that currently tests and evaluates consumer fireworks that will be placed on a list of permissible fireworks available for sale in the state. Currently there are over 2400 individual items on the permissible list and this list is always changing. This bill changes "permissible fireworks" to mean "consumer fireworks which are those items that are approved by the federal Consumer Product Safety Commission under 27 F.R. Sec 555.111;" the only exception being those particular consumer fireworks specifically prohibited by statute. The bill has broad support with testimony coming from public and private interests. The act removes unnecessary bureaucracy, simplifies enforcement and maintains the federal standard of safety. Vote 17-0.

Amendment (0675h)

Amend the bill by replacing all after the enacting clause with the following:

1 References Updated. Amend the following RSA provisions by replacing 27 C.F.R. section 55.11 with 27 C.F.R. section 555.11: RSA 158:9-c, III-a; 189:9-f, III; 160-B:1, I, IX, and X; 160-C:1, II, III, and IV.

2 Definition of Permissible Fireworks. RSA 160-C:1, V is repealed and reenacted to read as follows:

V. "Permissible fireworks" means consumer fireworks, except for those items that are prohibited pursuant to RSA 160-B:16, 160-B:16-b, and 160-B:16-c.

3 Distribution of Pamphlet. Amend RSA 160-C:12 to read as follows:

160-C:12 Distribution of Pamphlet Required. Any person engaged in selling permissible fireworks shall [provide] **make available** to the purchaser a pamphlet, approved by the commissioner, detailing the appropriate and safe use of the permissible fireworks being sold.

4 Permissible Fireworks Advisory Committee. RSA 160-C:13 is repealed and reenacted to read as follows:

160-C:13 Permissible Fireworks Advisory Committee.

I. There is hereby established a permissible fireworks advisory committee. The composition of this committee shall be as follows: one senator, appointed by the senate president; one representative, appointed by the speaker of the house of representatives; the state fire marshal, or designee; the director of the division of state police, or designee; and 3 public members, 2 of whom shall be engaged in the retail sale of consumer fireworks in New Hampshire and one of whom shall be a regular purchaser of consumer fireworks, appointed by the governor. No vote of the committee shall take place unless 3 members of the committee are present. The term of office of each member appointed by the governor shall be 2 years and until a successor is appointed and qualified. The other members of the committee shall serve terms coterminous with their terms in office. Vacancies shall be filled in the same manner for the unexpired terms. Members shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate. The committee shall elect a chairperson annually.

II. The committee shall meet at least once per calendar year, prior to October 1, and within 30 days of any emergency removal from retail sale of permissible fireworks pursuant to RSA 160-C:16. The purpose of the meeting following the emergency removal of permissible fireworks shall be to review the basis for the commissioner's decision and to make a recommendation to the commissioner as to whether the items are properly classified pursuant to 27 C.F.R. section 555.11.

III. The committee shall review the rules and standards of the Consumer Product Safety Commission regarding consumer fireworks so as to provide information and advice to the commissioner on the application and enforcement of the state's fireworks laws.

IV. On or before December 1, 2011, and each December 1 thereafter the committee shall make a report of the committee's activities and any recommendations for legislation to the commissioner, the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, and the state library.

5 Emergency Removal from Retail Sale. RSA 160-C:16, I is repealed and reenacted to read as follows:

I.(a) The commissioner may, upon the recommendation of the state fire marshal or the director of state police, at any time and with notice to the permissible fireworks advisory committee, suspend from retail sale or otherwise order the removal from retail sale of any permissible firework item that poses an imminent threat to life and property.

(b) The commissioner shall, within 15 days of action taken pursuant to this paragraph, file a report and request a finding from the federal Consumer Product Safety Commission, a determination on the legal status of the permissible consumer firework item being suspended or removed by the commissioner from retail sale.

(c) The commissioner's suspension or removal of any such firework items shall continue in force and effect until such time as a determination can be made and shall not supersede any finding by the Consumer Product Safety Commission pursuant to the commissioner's report and request.

6 Repeal. The following are repealed:

I. RSA 160-B:16-a, prohibiting the retail sale of reloadable aerial shells.

II. RSA 160-C:10, II and III, relative to list of permissible fireworks offered for sale.

III. RSA 160-C:15, relative to the permissible fireworks list.

IV. RSA 160-C:17, II, and III, relative to the fireworks inspector's duties.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill defines permissible fireworks as consumer fireworks, with certain limited exceptions. The bill also revises the membership and duties of the permissible fireworks review committee.

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Sullivan for Commerce and Consumer Affairs: This bill requires a condominium management company to disclose to the unit owners' association the structure of referral fees received from contracted work performed on behalf of the association. It does not place any requirement on the nature of the fee itself, just the disclosure of the fee and the purpose of the fee. Vote 12-0.

Amendment (0404h)

Amend RSA 356-B:40-a, I and II as inserted by section 1 of the bill by replacing it with the following:

I. If the unit owners' association or the board of directors has delegated certain powers and duties to a managing agent, the managing agent shall disclose any referral fees received from contract work performed on behalf of the association to the board of directors prior to the next regularly scheduled board meeting, unless the terms of any referral fees are disclosed in the managing agent's contract with the unit owners' association, in which case disclosure of fees actually received shall not be required.

II. The managing agent also shall disclose to the board of directors the amount and purpose of any fees, other than maintenance fees, received from a unit owner, unless the terms of any such fees are disclosed in the managing agent's contract with the unit owners' association, in which case disclosure of fees actually received shall not be required.

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill revises the type and location requirements for automatic fire warning devices and carbon monoxide detection devices in dwellings. This bill removes the mandate to have carbon monoxide detectors in dwellings that do not have an attached garage or appliance or device that uses a combustion method of burning solid, liquid or gas fuel. Vote 16-0.

Amendment (0377h)

Amend RSA 153:10-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Each multi-unit dwelling and rental unit shall be equipped with automatic fire warning devices in accordance with the NFPA 101 Life Safety Code and the NFPA 72 National Fire Alarm and Signaling Code and carbon monoxide detection devices in accordance with the NFPA 720 Standard for the Installation of Carbon Monoxide (co) Detection and Warning Equipment; provided that a carbon monoxide detection device shall not be required in a multi-unit dwelling or rental unit that does not have an attached garage and does not contain an appliance or device that uses a combustion method of burning solid, liquid, or gas fuel. If a garage or combustion fuel appliance or device is later added to the dwelling or rental unit, a carbon monoxide detection device shall be required.

HB 322, relative to occupancy fees charged by manufactured housing park owners. **OUGHT TO PASS.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: Current law allows manufactured housing parks to charge for increased occupancy rates in individual units. The current rate is ten dollars per adult per month where the number of adults residing in manufactured housing exceeds the limit established by the park's rules. Due to increased maintenance costs, especially with septic systems, park owners requested an increase to twenty dollars. The committee found this request more than reasonable. Vote 11-1.

HB 345-FN, relative to insurance payments for ambulance providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce and Consumer Affairs: This bill would require automobile insurers to make direct payment to ambulance providers under the medical payments coverage of the automobile insurance policy. This is contrary to current insurance law which prohibits medical payments coverage from being assigned to any health care provider. The purpose of this coverage is to reimburse the policyholder for his medical expenses incurred as a result of an automobile accident and to allow the policyholder to pay his bills directly. Allowing ambulance providers to have an exception to this rule would be inequitable to other health care provider. Vote 16-0.

HB 359-FN, prohibiting the use of certain information to underwrite insurance coverage. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce and Consumer Affairs: This bill would make it an unfair insurance trade practice to charge higher premiums for automobile and homeowners insurance based on credit rating. Credit rating is a nationally used factor in establishing automobile and homeowner's rates and has been a very good predictor of loss experience. Its removal would create more uncertainty in the viability of rates and would result in rate increases to an estimated 70% of policy holders in the state. Vote 16-0.

HB 385-FN, relative to the applicability of licensure requirements for mortgage bankers and brokers. **INEXPEDIENT TO LEGISLATE.**

Rep. James M. Sullivan for Commerce and Consumer Affairs: The bill adds an exemption to the licensure law regarding mortgage bankers and brokers for a person who negotiates no more than 12 residential mortgage loans in any calendar year. This would allow a partnership with one employee to issue 36 mortgages in a calendar year, hardly in the spirit of "deminimus" as anticipated by the yet unpublished HUD guidelines. Any exemption granted by the state could be exposed to be in error. There is a bill coming from the Senate that addresses this provision. Vote 16-0.

HB 398, relative to service animals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: This bill came at the request of people with disabilities who use service dogs. It aligns New Hampshire's statute with new language recently enacted under the federal American with Disabilities Act. It clarifies the role(s) of service animals (dogs) in assisting individuals with disabilities and removes the state requirement that special collars or leashes be used to designate the nature of the disability, which is considered to be an invasion of privacy. Vote 12-0.

Amendment (0562h)

Amend the bill by replacing all after the enacting clause with the following:

1 Service Animals. The chapter title of RSA 167-D is repealed and reenacted to read as follows:
SERVICE ANIMALS AND SEARCH AND RESCUE DOGS

2 Service Animals. RSA 167-D:1 through RSA 167-D:9 is repealed and reenacted to read as follows:

167-D:1 Definitions. As used in this chapter:

I. "Housing accommodation" means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

II. "Public facility" means any place of public accommodation and any street, highway, sidewalk, walkway, public building, and any other place or structure to which the general public is regularly, normally, or customarily permitted or invited.

III. A “place of public accommodation” shall mean, but shall not be limited to, any tavern road-house, hotel, motel, or trailer camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation, or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice, and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage; any public conveyance operated on land or water, or in the air, or any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or any other place of amusement; any comfort station; any dispensary, clinic, or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the state board of education, or the commissioner of education of the state of New Hampshire.

IV. “Service animal” means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.

V. “Service animal trainer” means any person who is employed by or volunteers for an organization generally recognized by agencies involved in the rehabilitation of mobility impaired persons as reputable and competent to provide service animals with training, and who is actively involved in the training process.

VI. “Search and rescue dog” means any dog which has been trained to perform typical search and rescue operations and is certified by a competent authority or holds a title from a competent authority or organization recognized by the office of the governor, the department of safety, the department of fish and game, or the Federal Emergency Management Agency or its successor agency.

167-D:2 Service Animal Duties.

I. The work or tasks performed by a service animal shall be directly related to the handler’s disability. Work and tasks may include, but is not limited to:

- (a) Assisting individuals who are blind or have low vision with navigation and other tasks.
- (b) Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.
- (c) Providing non-violent protection or rescue work.
- (d) Pulling a wheelchair.
- (e) Assisting an individual during a seizure.
- (f) Alerting individuals to the presence of allergens.
- (g) Retrieving items such as medicine or a telephone.
- (h) Providing physical support and assistance with balance and stability to individuals with mobility disabilities.

(i) Helping persons with psychiatric and neurological disability by preventing or interrupting impulsive or destructive behaviors.

II. The crime deterrent effect of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of this chapter.

167-D:3 Private Clubs, etc. Nothing herein contained shall be construed to include or apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution; and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or postsecondary school from using good faith criteria other than race, creed, color, national origin, ancestry, or disability in admission of students.

167-D:4 Service Animals May Accompany. It is lawful for any service animal to accompany his or her handler or trainer into any public facility, housing accommodation, or place of public accommodation to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

167-D:5 Application of RSA 167-D:4 to Search and Rescue Dogs. The provisions of RSA 167-D:4 shall also apply to dogs involved in search and rescue missions at the request of a government agency when such dogs are in the course of, or traveling to or from the scene of, their official duties.

167-D:6 Service Animal Trainer. A service animal trainer, while engaged in the actual training process and activities of such animals, shall have the same rights and privileges with respect to access to public facilities, and the same responsibilities as are applicable to persons with disabilities using a service animal.

167-D:7 Licensing. Service animals shall be licensed as provided in RSA 466.

167-D:8 Prohibited Acts.

I. It is unlawful for a person, directly or indirectly, either to prohibit, hinder, or interfere with a service animal's handler or trainer who otherwise complies with the limitations applicable to persons without disabilities.

II. It is unlawful for any person to fit an animal with a collar, leash, or harness of the type which represents that the animal is a service animal, if in fact said animal is not and to thus use the animal to misrepresent the physical status of said person.

III. It is unlawful for any person to willfully interfere or attempt to interfere with a service animal.

167-D:9 Nonuse of Service Animal. A person with a disability not using a service animal in any of the places, accommodations, or conveyances listed in RSA 167-D shall have all of the rights and privileges conferred by law upon other persons; and the failure of person with a disability to use a service animal in those places, accommodations, or conveyances shall not be held to constitute nor be evidence of contributory negligence.

167-D:10 Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor.

3 Service Animals; Emergency Plans. Amend RSA 21-P:37, VI to read as follows:

VI. To prepare a comprehensive plan and program for the evacuation of [~~hearing ear dogs, guide dogs,~~] search and rescue dogs[;] and [~~other~~] service animals, as defined in RSA 167-D.

4 Service Animals; Emergency Plans. Amend RSA 466:44 to read as follows:

466:44 Restaurants and Food Stores.

I. Except as provided in paragraph II, no person shall bring any animal into any restaurant or any store that sells food; and no person shall allow any animal to enter in any store that sells food, except for [~~guide dogs leading blind persons, and the hearing ear dog and the service dog~~] **service animals** as provided in RSA 167-D. Whoever violates the provisions of this paragraph shall be guilty of a violation.

II. A restaurant owner may allow his or her properly disciplined companion dog inside his or her place of business. Such dogs shall not be allowed in food preparation or production areas. A restaurant owner allowing his or her companion dog shall prominently display a sign at all public entrances advising patrons that his or her companion dog is allowed on the premises and that such dog shall be removed from any portion of the premises where members of the public are present in the event a patron with a [~~service dog~~] **service animal** is present.

5 Service Animals; Motor Vehicles Approaching. Amend RSA 265:41-a to read as follows:

265:41-a Approaching a [~~Hearing Ear Dog~~] **Service Animal**. The driver of a vehicle approaching a [~~deaf or hearing impaired~~] person using a [~~properly identified hearing ear dog~~] **service animal** shall take all necessary precautions to avoid injury to that person, and any driver who fails to take such precautions shall be liable in damages for any injury caused to that person.

6 Repeal. RSA 167-C:2 relative to guide dogs for individuals that are blind, is repealed.

7 Effective Date. This act shall take effect January 1, 2012.

HB 405, relative to dissolving corporations. **OUGHT TO PASS.**

Rep. Donna C. Mauro for Commerce and Consumer Affairs: This bill provides that the filing of articles of dissolution by a corporation shall not effect a court determination of fair market value of the shares of a shareholder who has petitioned for judicial dissolution, and eliminates the authority of the petitioner to continue to pursue claims on behalf of the corporation preventing a shareholder from affecting the value of the corporation. Vote 12-0.

HB 419-FN, relative to language in insurance certificates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald Flanders for Commerce and Consumer Affairs: This bill establishes the model law relative to the content and form of certificates of insurance which are issued by an insurer or insurance producer as evidence of property or casualty insurance coverage. It also prohibits anyone from issuing a certificate that is not in compliance with the requirements of this law. Vote 16-0.

Amendment (0709h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Certificates of Insurance. Amend RSA 412 by inserting after section 6-a the following new section:

412:6-b Certificates of Insurance.

I. In this section:

(a) "Certificate" or "certificate of insurance" means any document or instrument, no matter how titled or described, which is issued by an insurer or insurance producer as evidence of property or casualty insurance coverage. "Certificate" or "certificate of insurance" shall not include a policy of insurance or insurance binder.

(b) "Certificate holder" means any person, other than a policyholder, who possesses a certificate of insurance or is identified as the certificate holder on the certificate.

(c) "Insurance producer" means an insurance producer licensed under RSA 402-J.

(d) "Insurer" means an entity established to conduct the kinds of insurance business as provided in RSA 401 and licensed in accordance with the provisions of RSA 402 or RSA 405.

(e) "Person" means any individual, partnership, corporation, association, or other legal entity, including any government or governmental subdivision or agency.

(f) "Policyholder" means a person who has contracted with a property or casualty insurer for insurance coverage.

II.(a) No person shall issue a certificate of insurance that:

(1) Does not comply with the requirements of subparagraph (b).

(2) Is not in the public interest.

(3) Is contrary to public policy.

(4) Is misleading, deceptive, or encourages misrepresentation.

(5) Violates any law.

(b) The following are requirements for the content, purpose, issuance, and use of certificates of insurance:

(1) Each certificate shall contain the following statement, in sufficient font and size and located on the certificate to be readily identifiable:

"This certificate of insurance is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage, terms, exclusions, and conditions afforded by the policy or policies referenced herein."

(2) No person shall demand or require the issuance of a certificate of insurance from an insurer, insurance producer, or policyholder that contains any false or misleading information concerning any policy of insurance to which the certificate makes reference.

(3) No person shall knowingly prepare or issue a certificate of insurance that contains any false or misleading information.

(4) No person shall prepare or issue a certificate of insurance that purports to affirmatively or negatively alter, amend, or extend the coverage provided by any policy of insurance referenced in the certificate.

(5) The requirements of this section shall apply to certificates of insurance issued as evidence of insurance policies and coverage on property, operations, or any risk located in this state, regardless of where the certificate holder, policyholder, insurer, or insurance producer is located.

(6) No certificate of insurance shall contain references to contracts, including construction or service contracts, other than the referenced contract of insurance.

(7) A certificate holder shall only have a contractual right to notice of cancellation, non-renewal, or any similar notice concerning a policy of insurance if the person is identified and designated within the policy or any endorsement to that policy as an additional insured and that policy or endorsement requires notice to be provided.

(c) The commissioner may publish sample certificates of insurance which provide templates as to form and content, which, in his or her opinion, meet the requirements of subparagraph (b) and are acceptable for use by insurers and insurance producers. In addition to templates developed by the commissioner, insurance industry trade organizations, and supporting entities, may submit templates for consideration and inclusion in the set of sample certificates so published.

(d) An insurer or insurance producer may prepare or issue an addendum to a certificate that clarifies and explains the coverage provided by any policy of insurance referenced in the certificate and otherwise complies with the requirements of this section.

(e) An insurance producer may charge a reasonable fee to the policyholder or to a certificate holder on behalf of the policyholder in order to cover costs associated with issuing the certificate which are not otherwise provided for in commissions or expense reimbursements that the insurer has contractually agreed to pay that insurance producer.

2 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill establishes the law relative to content and form of certificates of insurance.

HB 424, relative to surplus lines tax collection. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F. Headd for Commerce and Consumer Affairs: This bill ensures the continued receipt of premium taxes for non-admitted insurance companies, including surplus line insurance companies to be collected and disbursed (annual \$1.5 to \$2 million fiscal impact). The bill also allows domestic insurers, under certain circumstances, to be designated by the insurance commissioner as domestic surplus lines insurers. Vote 16-0.

Amendment (0645h)

Amend the bill by replacing all after section 5 with the following:

6 Foreign Insurance Companies; Surplus Line Insurer. Amend RSA 405:24, II to read as follows:

II.(a) *Surplus lines insurance may be placed by a surplus lines licensee if the insurer is authorized to write the type of insurance in its domiciliary jurisdiction, and either meets the criteria established through a multi-state agreement pursuant to RSA 405-B:3 or meets one of the following criteria:*

(b) *The insurer has capital and surplus or its equivalent under the laws of its domiciliary jurisdiction which equals the greater of:*

- (1) *The minimum capital and surplus requirements under RSA 401:4 or RSA 402:13;***
- (2) *Fifteen million dollars; or***

(3) *The insurer is a nonadmitted insurer domiciled outside the United States that is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners.*

III. The commissioner, pursuant to RSA 402-J, may issue a producer license to a resident of the state permitting the producer named therein to procure insurance policies and contracts of insurance or suretyship to be effective in this state in foreign insurance companies not authorized to transact business in this state, but which are duly authorized to do business in some state having an insurance commissioner, ***or in a domestic insurer authorized to do business in accordance with paragraph IV.*** Such insurance or suretyship placed with an unadmitted surplus lines company shall be for such amount as the producer cannot place with an admitted company, and shall not be placed until the producer has first satisfied the insurance commissioner that the producer cannot procure such an insurance in an admitted company. ***For purposes of this paragraph, an insurer authorized to do business in accordance with paragraph IV shall not be deemed to be authorized or admitted.*** Before delivering to the insured a policy or binder of insurance written under the provisions of this section, every producer shall have stamped in a form approved by the commissioner on the face of the binder or policy the following: "The company issuing this policy has not been licensed by the state of New Hampshire and the rates charged have not been approved by the commissioner of insurance. If the company issuing this policy becomes insolvent, the New Hampshire insurance guaranty fund shall not be liable for any claims made against the policy."

IV. ***A domestic insurer possessing policyholder surplus of at least \$15,000,000 may, pursuant to a resolution by its board of directors, and with the approval of the commissioner, be designated as a domestic surplus lines insurer. The authority of a domestic surplus lines insurer in this state shall be limited to providing insurance covering risks procured from a surplus lines producer in accordance with this section. A domestic surplus lines insurer is not subject to the provisions of Title XXXVII, except that it shall be subject to any statute or regulation which specifically references unadmitted surplus lines companies and to the provisions of RSA 400-A:37, RSA 400-A:39, RSA 404-F, and RSA 417:1 through 417:31.***

7 Effective Date. This act shall take effect 60 days after its passage.

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers and wholesalers to report changes in ownership. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Sullivan for Commerce and Consumer Affairs: Within the drug industry, reverse distribution outlets allow a retail pharmacy to return expired, near-expired or damaged drug packages to many manufacturers using a single point of return. It will save the pharmacies time and cost in making returns as well as provide proper control of materials and records. There is a separate provision to tighten the requirements of reporting change of ownership of drug manufacturers, distributors, wholesalers, service distributors and brokers. Vote 16-0.

Amendment (0698h)

Amend the title of the bill by replacing it with the following:

AN ACT licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.

Amend RSA 318:51-a, V as inserted by section 3 of the bill by replacing it with the following:

V.(a) The manufacturer, wholesaler, distributor, reverse distributor, or broker to which a license has been issued shall, within 30 days of any change of information supplied in the original application, notify the board.

(b) The notice required pursuant to subparagraph (a) shall contain:

(1) Current New Hampshire license number of the manufacturer, wholesaler, distributor, reverse distributor, or broker.

(2) Name of the manufacturer, wholesaler, distributor, reverse distributor, or broker, old and new, if applicable.

(3) Address of the manufacturer, wholesaler, distributor, reverse distributor, or broker, old and new, if applicable.

(4) Names, addresses, and titles of new corporate officers, partners, or owners.

(c) A new license shall be required for a change of ownership of an established manufacturer, wholesaler, distributor, reverse distributor, or broker to a successor business entity which results in a change in the controlling interest in the manufacturer, wholesaler, distributor, reverse distributor, or broker.

AMENDED ANALYSIS

This bill licenses reverse distributors of drugs.

This bill also requires manufacturers, wholesalers, distributors, reverse distributors, and brokers to report changes in ownership.

HB 566, relative to the identification of dental prosthetic appliances. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill requires removable dental prosthetic appliances that are fabricated pursuant to a dentist's orders, to have markings identifying the patient. The committee respects the intent of the sponsor; however the committee felt this decision should be left up to the consumers. Currently many dentists are now doing this on their own so legislation is not necessary. Vote 16-0.

HB 601-FN, relative to implementation of federal health care reform. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J. Manuse for Commerce and Consumer Affairs: In the interim period while the committee studies the various options for opting-out of the patient protection and affordable care act of 2010 and also whether to prevent its further implementation, this bill would require all actions of "any state official or agency that seeks to enforce the insurance provisions of the act" to obtain approval from an oversight committee made up of two senators and three representatives. This oversight committee would continue to check the carte blanche authority of state bureaucrats and ensure that they are not taking any actions against the will of the legislature, and indirectly, the will of the people. At this point, such an oversight committee is needed to prevent unnecessary steps toward adoption of an act that the legislature may ultimately decide not to adopt. Vote 15-0.

Amendment (0674h)

Amend the introductory paragraph of RSA 420-L:3 as inserted by section 1 of the bill by replacing it with the following:

The commissioner shall *have the authority to* enforce the consumer protections and market reforms as set forth in the Act that relate to insurance. *Before establishing standards for enforcing the provisions of the Act, the commissioner shall obtain approval from the oversight committee, established in RSA 420-L:6. This provision requiring approval of the oversight committee before establishing standards for the enforcement of the provisions of the Act that relate to insurance shall apply to any state official or agency that seeks to enforce the insurance provisions of the Act.* This section shall not include the medical assistance program under RSA 167. The commissioner shall have full power and authority in accordance with the time frames set forth in the Act to:

Amend RSA 420-L:6 as inserted by section 2 of the bill by replacing it with the following:

420-L:6 Health Insurance Reform Oversight Committee. There is established a health insurance reform oversight committee consisting of 2 members of the senate, appointed by the president of the senate, one of whom shall be from the senate commerce~~[-labor and consumer protection]~~ committee, and 3 members of the house of representatives, appointed by the speaker of the house, 2 of whom shall be from the house commerce and consumer affairs committee. *The committee shall elect from its membership a chairman.* The committee shall meet at the request of the commissioner~~[-but no more frequently than monthly]~~ *or the chairman.* The commissioner shall make such periodic reports to the oversight committee relative to the department's federal insurance reform implementation plans and initiatives as may be required by the oversight committee. The oversight committee shall make ~~[a summary]~~ *an annual* report on federal insurance reform implementation, together with any recommendations for legislation, to the house commerce and consumer affairs committee and the senate commerce~~[-labor and consumer protection]~~ committee ~~[by the first day of the 2011 legislative session]~~ *on or before November 1, 2011 and thereafter on or before November 1 of each year.*

AMENDED ANALYSIS

This bill removes the repeal of the law authorizing the insurance commissioner to implement the insurance reforms required under federal law. This bill also requires the insurance department to obtain approval from the health insurance reform oversight committee before implementing any of the federal changes.

HB 606, establishing a committee to study the formation of a consumer protection working group. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill establishes a committee to study the formation of a consumer protection working group as recommended by the joint legislative committee to review the state's regulatory oversight over Financial Resources Mortgage, Inc. This matter has already been addressed by the committee in earlier legislation. Vote 15-0.

HB 607, relative to exemptions under the consumer protection act. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce and Consumer Affairs: This bill would limit exemptions from the Consumer Protection Act to transactions "expressly" permitted by the bank commissioner, director of securities regulations, the insurance commissioner, the public utilities commission. By so doing it would allow claimants to bypass current regulations and procedures used by these departments to enforce their consumer protection and substantially reduce their enforcement effectiveness by allowing claimants to sue under the Consumer Protection Act (RSA 358A). The committee felt that simply because a department has not issued a bulletin or rule regulating every activity or product that a bank or insurance company may offer is no reason why enforcement for a consumer complaint should be under the Consumer Protection Act rather than the consumer protection laws and regulations of the individual departments. Vote 15-0.

HB 613, establishing exemptions from the licensing requirements for first mortgage bankers and brokers. **INEXPEDIENT TO LEGISLATE.**

Rep. James M. Sullivan for Commerce and Consumer Affairs: Like HB 385, this bill adds an exemption to the licensure law regarding mortgage bankers and brokers who negotiate less than 4 residential mortgage loans in any calendar year. The bill also provides an exemption for individuals licensed to practice law. A bill coming from the Senate deals with the "deminimus" allowance for issuance of mortgages at a lower level. The House voted ITL on HB 129 dealing with attorney exemptions in licensing requirements for mortgages. Vote 15-0.

HB 616-FN, relative to coverage for divorced spouses. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill was requested by the insurance department to clarify insurance coverage for divorced spouses. The intent is to amend RSA 415:18

relative to group insurance coverage for divorced or legally separated spouses, the intent being to curb abuse of insuring “multiple” families due to remarriage. Since this will also be the subject of another health insurance mandate bill the committee recommended ITL so that the matter will be more fully covered in another mandate bill. Vote 15-0.

HB 627-FN, relative to “essential benefits” under federal health care reform. **OUGHT TO PASS.** Rep. Donald H. Flanders for Commerce and Consumer Affairs: This bill provides that any state mandate that exceeds or which offers better benefits than the “essential benefits” section of the Patient Protection and Affordable Care Act of 2009, as amended, and which mandate is required to be paid for by the state, shall not be available to the insured. Vote 13-2.

HB 643, relative to propane sales. **INEXPEDIENT TO LEGISLATE.**

Rep. James M. Sullivan for Commerce and Consumer Affairs: The bill made it a violation to charge a higher price or surcharge on propane delivered to low-volume users. The committee took testimony on various examples as to why deliveries in different forms or levels did indeed have fixed costs associated with the act of delivery, and that recovery of the costs justified pricing differences. Vote 15-0.

HB 434, relative to procedures for investigating law enforcement officers involved in critical incidents. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety: The committee recognizes the traumatic character of certain incidents for those involved but is reluctant to impose regulations or costs on the communities involved. The committee is further concerned that the definition of “critical incident” may be too broad, imposing costs in a wide range of cases. The committee is satisfied that municipalities may define procedures for managing officer-involved shootings and other incidents and may choose to follow them on a case-by-case basis. Vote 17-0.

HB 544, relative to state authority over firearms and ammunition. **OUGHT TO PASS.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: It makes little sense for towns to be allowed to make conflicting laws regulating knives. If one were to pass from jurisdiction to jurisdiction with conflicting laws you could easily find yourself in conflict with a town ordinance that is different than your destination or place of origin. Vote 16-0.

HB 576-FN, relative to the right to brandish a firearm in defense of one’s property. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill would allow the use of deadly force to prevent the unlawful taking of one’s property. The bill also permits a person to display a firearm to prevent a theft of one’s property. While this bill is well intentioned and although the majority of the committee has no problem with the displaying of a firearm to warn away a threat to one’s property, we felt that the use of deadly force was excessive as the term “property” was not clearly defined. Are we talking about hub caps, lawn chairs, vehicle or a life threatening situation? There are bills on the calendar that we feel will adequately address the brandishing issue. Vote 14-2.

HB 39, relative to the adoption of the common core state standards in New Hampshire and relative to the substantive content of an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: Even though this bill did not remove any courses from a school’s mandatory requirement of courses that must be available, it was perceived as such. What this bill tried to address is what courses the state was actually paying for, for a so-called state defined adequate education. The second part of this bill is in HB 164, which was approved by this House. This bill will not change anything and the law that this bill addresses will probably not exist in the near future. As such, this bill is unnecessary. Vote 15-0.

HB 220-FN, relative to the approval of plans and specifications for the construction of school buildings. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura M. Jones for Education: This bill would require the department of transportation and regional planning commission to submit recommendations on all school building aid projects. We’ve already retained HB 604 in committee. The issue in HB 220 could be incorporated into the retained HB 604 with the concerns expressed by the NH Association of Regional Planning Commissions taken into account. This bill creates an unfunded mandate and expands government. Vote 16-0.

HB 290, relative to staffing exceptions for small schools. **OUGHT TO PASS.**

Rep. Rick M. Ladd for Education: This bill provides staffing exceptions for small schools. The bill enables schools of this size to seek approval for staffing exceptions from the commissioner of education, with approval effective until such time the school no longer meets the small school student size definition. The bill enables school boards that have limited resources to modify staffing patterns to best support the small school's unique learning environment. For example, a small school may have a public library directly across the street with a capable librarian with whom the school could share services. Other instructional programs required by rule such as a reading specialist, media services, music, physical education, etc., might be provided through a classroom teacher generalist or a non-certified staff member supervised by a certified classroom teacher or principal. Guidance counselor services could be provided as determined necessary by school administration and the school board. Small schools have many special qualities and with modification of rules and in keeping with economies of scale, these schools will continue to provide necessary instructional programming while maintaining the community's small school environment. Vote 16-0.

HB 376, relative to representative voting on joint boards of school administrative units. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura M. Jones for Education: The committee determined that this bill is not needed since statute (RSA 194-C:7 and 194-C:8) already deals with representative voting on joint boards of school administrative units. Vote 14-0.

HB 377-FN, requiring daily physical education for public school pupils. **INEXPEDIENT TO LEGISLATE.**

Rep. J. R. Hoell for Education: The committee members all felt that physical education was an important class. However, with that said, mandating daily physical education would be an additional unfunded mandate on local schools. This bill would require a 5 day a week class potentially requiring additional teachers. Vote 15-0.

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees. **OUGHT TO PASS.**

Rep. Jeffrey L. St. Cyr for Education: This bill amends the corporate charter of the University System of New Hampshire to include Granite State College. The bill also amends the student trustee rotation to include a student trustee to serve as a member of the board of trustees from Granite State College. HB 386 does not change the size of the board membership. Granite State College allows students to attend classes at 9 academic centers or through on-line courses. Vote 15-0.

HB 501-FN-L, requiring the teaching of cardiopulmonary resuscitation in public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura M. Jones for Education: Local districts can already decide to offer a CPR class. It should not be mandated by the state. This bill would create an unfunded mandate. Vote 14-0.

HB 99, relative to deeming voters reregistered for purposes of verification. **INEXPEDIENT TO LEGISLATE.**

Rep. Regina M. Birdsall for Election Law: This bill requires a person's place and date of birth to be in the statewide centralized voter registration database in order for the person to be deemed re-registered at the 10-year verification of the checklist. This bill was voted Inexpedient to Legislate because it would require updating the place and date of birth of approximately 191,000 voters to prevent them from being purged from the voter registration checklist. The sponsor intends to file a new bill to solve this issue through a different approach. Vote 16-0.

HB 223-FN, eliminating election day voter registration. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Election Law: This bill would eliminate same day registration. While many of us have issues with the current system, we also recognize that eliminating it would subject us to the National Motor Voter Act, which is the very reason we adopted same day registration in the early 1990's. Among the consequences of falling under "Motor Voter" law would be that out-of-state groups could register voters on the street, with no assurance that those registrations would reach the appropriate officials. We will continue to work to see that only citizens who have a right to vote will have that privilege. Vote 18-0.

HB 251, relative to absentee ballots. **OUGHT TO PASS.**

Rep. Susan C. DeLemus for Election Law: This bill was submitted at the request of the secretary of state. It permits clerks to use the federal write-in absentee ballot as a request for an official absentee ballot as provided for in RSA 657:12. It also clarifies the city and town clerks responsibilities for sending and recording absentee ballots. Vote 15-0.

HB 257, relative to removal of political advertising. **OUGHT TO PASS.**

Rep. Cameron W. DeJong for Election Law: New Hampshire law clearly prohibits placement of political advertising on public property. The requirement governing proper placement of political advertising only has reference to placement on private property or within state-owned rights-of-ways with the owner's consent. The assistant attorney general testified that they can not enforce a requirement to remove political advertising from private property by a certain time. This bill deletes that unenforceable deadline. Vote 13-0.

HB 258, eliminating certain unenforced election laws. **OUGHT TO PASS.**

Rep. Shawn N. Jasper for Election Law: This bill makes no actual changes to how we conduct our elections at the present time. What it does is to eliminate references to filing fees and primary petitions, which were repealed by chapter law many years ago. It also makes changes such as changing "he" to "he or she." Additionally, it repeals specific RSA's which referred to the aforementioned filing fees and petitions. The repeal of RSA 664:4, I was the only area of disagreement and not because of the actual repeal, but because sections II and III were not also repealed. RSA 664:4 deals with contributions by corporations, partnerships and labor unions. The section dealing with corporations has been ruled unconstitutional and has not been enforced for years, yet it remains part of our statutes. There were those who wished to repeal the other two sections as well, but as that was a policy question and not subject to a public hearing the committee felt it best to pass the bill as introduced. Vote 11-2.

HB 274-FN, relative to voting procedures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Regina M. Birdsell for Election Law: This bill makes various technical changes to the voting procedures wherein the bill would require town clerks to have available an official email, addresses, and polling hours available to voters and insure that the information is available to the secretary of state so it can be placed on that website in advance of an election to insure it is available to voters. Vote 18-0.

Amendment (0544h)

Amend the bill by replacing section 2 with the following:

2 Absentee Voting; Addresses and Polling Hours Maintained by Clerk. Amend RSA 657:19-c to read as follows:

657:19-c [E-Mail Account] *Addresses and Polling Hours* Maintained by Clerks. [~~As required by federal law, to satisfy their obligation to send and receive voting materials electronically;~~] Each town and city clerk shall establish and maintain an *official e-mail [account and]* address *and street address*, which shall be publically available to voters. *Clerks shall maintain up-to-date polling place locations for each election, including street addresses, and polling hours*, and clerks shall keep such information in the statewide centralized voter registration database.

HB 427-FN, prohibiting political advertising on public property. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for Election Law: This bill would allow the state or a city or town to charge for the removal and storage of improperly placed political advertising. Nothing in the bill addresses upon whom the charge would be assessed. The director of the New Hampshire DOT operations stated it would be very problematic to have to pick up all signs and then determine the charge and to whom. Vote 16-0.

HB 451-FN, prohibiting the use of prerecorded political messages for political advocacy within 30 days prior to an election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M. Pierce for Election Law: As amended, this bill repeals the ban on calling a voter whose name is on the federal do-not-call registry with prerecorded political messages. Political messages are permitted to be made under the federal do not call statute because political speech cannot be limited in this way since political speech has more first amendment protection than the commercial speech the statute was designed to target. Because our state law conflicts with federal

law, it is appropriate to repeal the state law. The bill first came to the committee to prohibit robo-calls within 30 days of an election. The committee decided to replace that bill language for the same first amendment reasons. Vote 15-0.

Amendment (0353h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to prerecorded political messages.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 664:14-a, III, relative to prohibiting the delivery of prerecorded political messages to numbers on a federal do not call list, is repealed.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals the prohibition on delivering prerecorded political messages to numbers on any federal do not call list.

HB 459-FN, relative to placement of political advertising. **INEXPEDIENT TO LEGISLATE.**

Rep. Shaun S. Doherty for Election Law: This bill would limit the placement of political advertising to an area within 450 feet of intersections and at least 150 feet from any residence or business. The committee decided these arbitrary requirements on placement of signs are too restrictive and unenforceable. Vote 15-0.

HB 487-FN, relative to election day registrants. **OUGHT TO PASS.**

Rep. Shaun S. Doherty for Election Law: This bill requires that a voter who does not verify his or her identity upon registration be mailed a letter and instructed that the recipient return the letter to the secretary of state within thirty days. By having the recipient return the letter, the committee believes it would improve the verification process and prevent unnecessary investigations. Vote 16-0.

HB 588, relative to polling hours and location of polling places. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M. Pierce for Election Law: Leading up to the 2010 election, a few towns/cities changed their polling hours and polling place addresses without reporting the changes to the secretary of state. This bill requires the towns/cities to immediately report any changes to the polling hours and locations and the secretary of state to immediately update his website with that information. HB 588 ensures that the voters know when and where to vote. Vote 16-0.

Amendment (0625h)

Amend the bill by replacing section 1 with the following:

1 New Section; Election Procedure; Additional Polling Places; Report of Changes. Amend RSA 659 by inserting after section 4-a the following new sec 659:4-b Report of Changes.

I. Cities and towns shall report any changes in polling hours or the location of the central polling place or any additional polling place to the secretary of state within 3 business days of the change, but in no case later than 5:00 p.m. on the Friday before the election. When reporting a change in location of a polling place, cities and towns shall include the street address of the new location.

II. The secretary of state shall post any changes in polling hours or the location of the central polling place or any additional polling place on the secretary of state's website. If the secretary of state receives a report of any such changes at least 7 days before the election, he or she shall post such changes within 48 hours of receiving the report. If the secretary of state receives a report of any such changes less than 7 days before the election, he or she shall post such changes by noon on the business day following receipt of the report.

III. If a city or town fails to report any change in accordance with paragraph I, the secretary of state may order such additional polling hours for the polling place as he or she deems necessary.

HB 598, prohibiting a candidate from receiving the nomination of more than one party. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Election Law: This bill would prevent a person from being a candidate of more than one party which may at first glance seem like a good idea. On closer examination of the effect of this act, the committee believes that the choices of the voters could be negatively affected. Under current law there is a real effort on the part of local party officials to see that the

slate of their party is full. If they fail to fill the slate, any vacancy may be filled by the state party. If they fail to do so then it should be left to the voters, without restriction. Vote 14-2.

HB 46, relative to the membership of the current use advisory board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Babson for Environment and Agriculture: This bill clarifies the make-up of the current use board. As the law reads now, the board can have only three current or former assessors. This eliminates selectmen and most likely the appointee of the commissioner of the department of revenue who by the very nature of their job are assessors. The simple change in the RSA would allow the commissioner of DRA to appoint an individual who is a certified assessor. The other minor change allows the executive director of the association of conservation commissioners to appoint a designee. Vote 16-0.

Amendment (0573h)

Amend the bill by replacing all after the enacting clause with the following:

1 Current Use; Advisory Board; Certified Assessing Officials. Amend RSA 79-A:3, II(a) to read as follows:

(a) Three members who are assessing officials shall be appointed by the governor with the advice and consent of the council, one of whom shall be an assessing official in a town with a population of less than 5,000; one of whom shall be an assessing official in a town with a population of more than 5,000; and one of whom shall be an assessing official in a city. Each member shall hold office for a term of his *or her* position as assessing official or for 2 years, whichever is shorter, and until [his] *a* successor shall have been appointed and qualified, and any vacancy shall be filled for the unexpired term, by the governor with the advice and consent of the council. No other members of the board shall be [~~former or currently practicing assessing officials~~] *or have been certified under RSA 21-J:14-f, except for the commissioner of the department of revenue administration or the commissioner's designee.*

2 Advisory Board Membership. Amend RSA 79-A:3, II(h) to read as follows:

(h) The executive [~~secretary~~] *director* of the New Hampshire association of conservation commissions, *or designee.*

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies membership qualifications for persons appointed to the current use advisory board.

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. **OUGHT TO PASS.**

Rep. Peter B. Schmidt for Executive Departments and Administration: This bill was vetted as to policy by the Environment and Agriculture committee and passed by the House on the consent calendar. Our function was solely to review the licensing aspect of the bill and our members found no objection therein. Vote 12-0.

HB 43, relative to the adoption of forms under the administrative procedures act. **OUGHT TO PASS.**

Rep. Maurice L. Pilote for Executive Departments and Administration: This bill was introduced at the request of the Joint Legislative Committee on Administrative Rules (JLCAR). In the last session, the legislature authorized agencies to incorporate by reference forms used by the agency and it made such forms non-expiring. The option allowing agencies to incorporate forms by reference proved to be a great improvement. The provision making them non-expiring created a serious unintended consequence for those agencies who decided to continue to describe their forms in the corpus of the rule. Because the form section had a different life-span, it needed to be filed separately and recorded distinctly from the rest of the rule, thus creating work rather than streamlining the process. This bill repeals the non-expiring provision. Vote 16-0.

HB 62, relative to the definition of the New Hampshire building code. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D. Pratt for Executive Departments and Administration: The contents of this bill are being incorporated into HB 137 thus making this bill unnecessary. Vote 17-0.

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill was introduced to insure that any proposed administrative rule accurately reflects the intent of the authorizing statute and that no rule goes into effect by default. The amendment mandates that the first time a rule implements a newly-enacted statute, it is sent to the chairs of the standing policy committee of the house and senate. The standing committee may review the proposed rule to determine whether it is consistent with the intent of the authorizing legislation. If the policy committee concludes that the rule is not consistent with legislative intent, it shall notify the agency and the director of legislative services identifying the inconsistent provisions. The second section of the amendment mandates that absent a waiver of deadlines, for good cause, the JLCAR committee shall either approve the rule or object to the rule within the required time. Vote 16-0.

Amendment (0611h)

Amend the bill by replacing all after the enacting clause with the following:

1 Administrative Procedures Act; Proposed Rule; Policy Committee Review. Amend RSA 541-A:10 to read as follows:

541-A:10 Filing of Proposed Rule Text. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the text of the proposed rule with the director of legislative services. *The first time a rule is proposed under RSA 541-A:3 to implement newly-enacted state authority, the agency shall send an electronic copy of the notice and proposed rule to the chair of each house and senate standing policy committee, as defined in RSA 541-A:1, XVI, for distribution to the members of such standing policy committees. If the newly-enacted state authority was not referred originally to a standing policy committee, the agency shall send an electronic copy of the notice and proposed rule to the speaker of the house and senate president for appropriate distribution. If the agency does not have the technology necessary to send an electronic copy, the agency shall send a paper copy. The members of the standing policy committees receiving proposed rules may review the proposed rules to determine whether the proposed rule is consistent with the intent of the authorizing legislation. If a standing policy committee concludes that the proposed rule is not consistent with the intent of the authorizing legislation, the standing policy committee shall send written notice to the agency, with a copy to the director of legislative services, identifying the provision or provisions the committee believes to be inconsistent with legislative intent. Such written notice may be sent to the agency via e-mail and shall be delivered so as to be received by the agency no later than the deadline for public comment specified in the rulemaking notice. If the agency does not receive notice from any standing policy committee by the end of the public comment period, the agency may proceed on the basis that the rule is consistent with the intent of the authorizing legislation.* The text as filed *by the agency* shall not be ~~changed or~~ established as the text of the final proposal until after the conclusion of the public comment period established pursuant to RSA 541-A:11.

2 Administrative Rulemaking; Review by Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:13, I to read as follows:

I. ~~[Within 45 days of the filing of a final proposal with the director of legislative services,]~~ The committee ~~[may]~~ *shall either* approve the rule or ~~[object]~~ *enter a conditional approval or objection* under paragraph V ~~[, except that if an agency has filed]~~ *within 45 days of the filing of a final proposal under RSA 541-A:12, I, unless the deadline is waived for good cause pursuant to RSA 541-A:40. The committee shall either approve the rule or enter a conditional approval or objection under paragraph V within 60 days of the filing of a final proposal under RSA 541-A:12, I-a, [the time shall be extended to 60 days] unless the deadline is waived for good cause pursuant to RSA 541-A:40.* Objections to a rule may be made only once.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows legislative policy committees to review and comment on administrative rules proposals. The bill also requires a waiver for the joint legislative committee on administrative rules to exceed time frames to approve or object to a rule.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D. Pratt for Executive Departments and Administration: Other than a single USDA approved federal meat inspection site in Goffstown, there has been no other way for New Hampshire

farmers to get their meat inspected since the 1970s. Consequently, farmers have been unable to sell their meat in the New Hampshire commercial market. This profoundly limits the state's opportunity for agricultural growth. New Hampshire needs a state meat inspection program. This bill is the result of extensive subcommittee work throughout the last session. The department of agriculture has been very effective at minimizing the start-up expenses that prevented passage last year, and the appropriation is only \$1. Once running, the program will pay for itself; the amendment includes a list of not to exceed fees for inspection services. Vote 14-0.

Amendment (0604h)

Amend RSA 427:2, VIII(e)-(l) as inserted by section 1 of the bill by replacing them with the following:

(e) If it is in a package or other container unless it bears a label showing:

(1) The name and place of business of the manufacturer, packer, or distributor; and

(2) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that under this subparagraph, reasonable variations may be permitted, and exemptions as to small packages may be established by the commissioner;

(f) If any word, statement, or other information required by or under authority of this subdivision to appear on the label or other labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices in the labeling and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(g) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been established by the commissioner unless:

(1) It conforms to such definition and standard, and

(2) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by the commissioner, the common names of optional ingredients, other than spices, flavoring, and coloring, present in such food;

(h) If it purports to be or is represented as a food for which a standard or standards of fill of container have been established by the commissioner, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as the commissioner has specified, a statement that it falls below such standard;

(i) If it is not subject to the provisions of subparagraph (g), unless its label bears:

(1) The common or usual name of the food, if there is any, and

(2) In case it is fabricated from 2 or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may be designated as spices, flavorings, and colorings without naming each; provided that, to the extent that compliance with the requirements of this subparagraph is impracticable, or results in deception or unfair competition, exemptions shall be established by the commissioner;

(j) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the commissioner, after consultation with the Secretary of Agriculture of the United States, determines to be necessary in order to fully inform purchasers as to its value for such uses;

(k) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that, to the extent that compliance with the requirements of this subparagraph is impracticable, exemptions shall be established by the commissioner; or

(l) If it fails to bear, directly thereon or on its container, as the commissioner may require, the inspection legend and, unrestricted by any of the foregoing, such other information as the commissioner may require to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

Amend the introductory paragraph of RSA 427:4, I as inserted by section 1 of the bill by replacing it with the following:

I. An examination and inspection of all livestock before they shall be allowed to enter into any slaughtering establishment in this state in which slaughtering and preparation of meat and meat food products of such animals are conducted solely for commerce:

Amend RSA 427:16, IV(f) as inserted by section 4 of the bill by replacing it with the following:

(f) The slaughtering of sound and healthy poultry or the processing of poultry products of such poultry by any poultry producer or other person for distribution by him or her directly to

household consumers for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor.

Amend RSA 427:32-b as inserted by section 7 of the bill by replacing it with the following:

427:32-b Fund Established. There is established in the office of the state treasurer a nonlapsing fund to be known as the meat inspection program fund to be administered by the commissioner, which shall be kept distinct and separate from all other funds. The treasurer shall deposit all gifts, grants, donations, and applicable fees received under RSA 427 in the meat inspection program fund. All moneys in the meat inspection program fund shall be continually appropriated to the commissioner for the purpose of paying the start-up and ongoing costs associated with the administration of the meat inspection program.

Amend section 7 of the bill by inserting after RSA 427:32-c the following new RSA section:

427:32-d Fees.

I. The commissioner shall adopt rules under RSA 541-A which establish fees for the processing of the following meat producing animals:

- (a) No more than \$50 per cow processed.
- (b) No more than \$30 per sheep, goat, pig, deer or elk processed.
- (c) No more than \$10 per turkey or rabbit.
- (d) No more than \$5 per chicken or other bird, not including turkeys.

II. The fees established by the commissioner for the processing of meat producing animals as well as the fees, fines and administrative charges established by the commissioner under RSA 427:14 shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the meat inspection program for the previous fiscal year. The requirements of this paragraph shall apply one year after the first establishment is opened and operating within the state meat inspection program as determined by the state veterinarian.

Amend the bill by replacing section 9 with the following:

9 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2012 is hereby appropriated to the department of agriculture, markets, and food for deposit in the meat inspection program fund established in RSA 427:32-b. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces. **ought to pass with amendment.**

Rep. Peter B. Schmidt for Executive Departments and Administration: This bill is a request of the committee to study the list of non-regulatory boards, commissions, councils, advisory committees, and task forces established in 2009, 144:87, II. The purpose is to eliminate unnecessary and, in some cases, non-functioning bodies while retaining those found worthy of continuing. The amendment deletes references to bodies addressed in separate legislation. Vote 15-0.

Amendment (0639h)

Amend the bill by replacing all after the enacting clause with the following:

1 Reinstated Boards, Commissions, Councils, Advisory Committees, and Task Forces. Pursuant to 2009, 144:87, I(a), the following boards, commissions, councils, advisory committees, and task forces are hereby reinstated:

- | | |
|-------------------|---|
| (1) RSA 5:42 | State Historical Records Advisory Board |
| (2) RSA 12-A:2-f | New Hampshire Economic Development Fund Review Committee |
| (3) RSA 12-A:9-c | Nash Stream Forest Citizens Committee |
| (4) RSA 12-A:29-b | Cannon Mountain Advisory Commission |
| (5) RSA 12-A:54 | Job Training Program for Economic Growth Grant Review Committee |
| (6) RSA 17-I:1 | Joint Legislative Historical Committee |
| (7) RSA 21-P:51 | Joint Legislative Oversight Committee on the Emergency Management System. |
| (8) RSA 21-R:6 | Information Technology Council |
| (9) RSA 21-R:9 | Joint Legislative Information Technology Oversight Committee. |
| (10) RSA 106-G:1 | Advisory Committee on Breath Analyzer Machines |
| (11) RSA 132:10-a | Newborn Screening Advisory Committee |
| (12) RSA 151-C:3 | Health Services Planning and Review Board |

- | | |
|---------------------|--|
| (13) RSA 153:2 | State Advisory Board of Fire Control |
| (14) RSA 153:16-c | Advisory Committee on Heating System Certification |
| (15) RSA 153-A:8 | Trauma Medical Review Committee |
| (16) RSA 171-A:19-a | Committee for the Protection of Human Subjects |
| (17) RSA 227-D:4 | Monadnock Advisory Commission |
| (18) RSA 275-C:11 | Committee on Architectural Barrier-Free Design |
| (19) RSA 278:2 | State Apprenticeship Advisory Council |
| (20) RSA 330-A:4 | Mental Health Board Advisory Committees |

2 Repealed Boards, Commissions, Councils, Advisory Committees, and Task Forces. Notwithstanding 2009, 144:87, I(a), the following boards, commissions, councils, advisory committees, and task forces are hereby repealed effective December 31, 2011:

- | | |
|---------------------|---|
| (1) RSA 19-B | Commission on the Status of Women |
| (2) RSA 126:24-h | Advisory Committee on Quality of Vital Records Information |
| (3) RSA 126-A:65 | Comprehensive Cancer Plan Oversight Board |
| (4) RSA 126-I:3 | Osteoporosis Advisory Council |
| (5) RSA 169-C:39-d | New Hampshire Children's Trust Fund Board |
| (6) RSA 170-G:6 | Advisory Board to the Department of Health and Human Services |
| (7) RSA 186-C:21 | Executive Planning Commission on Special Education |
| (8) RSA 227-C:18-23 | State Heritage Collections Committee |

3 Comprehensive Cancer Plan Fund. Amend the introductory paragraph of RSA 126-A:64 to read as follows:

There is hereby established in the office of the state treasurer the comprehensive cancer plan fund, to be administered by the department of health and human services. The department is authorized to accept public sector and private sector grants, gifts, donations, and appropriations for deposit into the fund. The fund shall be nonlapsing and continually appropriated to the department, and shall be used to implement the provisions of the New Hampshire comprehensive cancer plan as developed by the New Hampshire comprehensive cancer collaboration. The fund shall be expended annually for the following purposes, with allocations determined by the ~~[comprehensive cancer plan oversight board]~~ **commissioner of the department of health and human services**:

4 Services for Children, Youth, and Families; Appeals. Amend RSA 170-G:4-a, IV to read as follows:

IV. The appeal shall be heard under RSA 541-A:31-36 by the commissioner or his *or her* designee ~~[and 2 members from the advisory board established by RSA 170-G:6. The chairman of the advisory board shall appoint its 2 members]~~. No person hearing the appeal shall have had any involvement in establishing the rate or deciding on the certification that is the subject of the appeal, or be affiliated in any way with the appellant.

5 Special Education; Duties. Amend RSA 186-C:3-a, II(e)(1) to read as follows:

(1) If children with disabilities are being placed in out-of-district programs solely due to a lack of qualified personnel, the department shall develop and implement strategies ~~[; in addition to the requirements of RSA 186-C:21;]~~ to help address the shortage and increase the capacity of local education agencies to serve children in the schools they would attend if not disabled.

6 Repeal of the New Hampshire Children's Trust Fund Board. Notwithstanding the provisions of 2010, 195:3 and 2010, 195:4, the New Hampshire children's trust fund board established in RSA 169-C:39-d is hereby repealed in accordance with section 2 of this act.

7 Repeal. The following are repealed:

I. RSA 21-H:14-c, II(a)(15), relative to a member from the commission on the status of women serving on the interagency coordinating council for women offenders.

II. RSA 169-C:39-b, I, relative to the definition of New Hampshire children's trust fund board.

III. RSA 276-B:2, I(e), relative to a member from the commission on the status of women serving on the task force on work and family.

IV. 2007, 263:98, II, relative to the repeal of the comprehensive cancer plan oversight board.

8 Effective Date. This act shall take effect June 29, 2011.

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill repeals RSA 100-D relating to divesting investments in Sudan. While the committee does not support the activities taking

place in Sudan it complicates the investment decisions of both the New Hampshire retirement system and the judicial retirement system. Mutual funds, ETF's and index funds invest in many companies, and for the retirement systems to try and figure out all the companies invested in, and whether or not what companies are investing in Sudan is a herculean task. We feel that it should be left to the retirement systems to be able to invest as they see fit to get the best return which will help lower employer contributions which will help the local property tax payer. Vote 13-0.

Amendment (0597h)

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 100-D, relative to divestiture of retirement system assets relating to Sudan, is repealed.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals the statute requiring divestiture of retirement system assets relating to Sudan.

HB 503, allowing a master electrician to have 2 apprentice electricians under his or her supervision. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Spec Bowers for Executive Departments and Administration: This bill increases from one to two the number of apprentices a master electrician may supervise. Under current law there can be no more than a 1:1 ratio of apprentice to master (or journeyman). For example, a job site might have one master with an apprentice and a journeyman with an apprentice. If the journeyman called in sick, an apprentice would also have to miss work in order to preserve the 1:1 ratio. Under the bill, if the journeyman left, the master electrician could supervise both of the remaining apprentices. The amendment, negotiated between electricians and the IBEW union, limits to six the number of master electricians supervising two apprentices at a job site. The committee majority agrees that the bill increases workplace flexibility and efficiency without sacrificing safety. Vote 14-1.

Amendment (0106h)

Amend the bill by replacing section 1 with the following:

1 Master Electricians; Apprentices. Amend RSA 319-C:2, V to read as follows:

V. "Master electrician" means a person *either employed by another master electrician or* who, as a business, hires or employs another to do electrical work, or, without hiring another, makes electrical installations as a principal or auxiliary business for his *or her* own account. *Each master electrician may have no more than 2 apprentice electricians working with him or her under his or her personal supervision, provided this authorization shall not apply to more than 6 master electricians for each work location.*

AMENDED ANALYSIS

This bill allows a master electrician licensed by the electricians' board to have no more than 2 apprentice electricians under his or her personal supervision and allows a master electrician to be employed by another master electrician.

HB 508-FN, establishing a performance measurement system for state agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilote for Executive Departments and Administration: This bill was introduced to establish a pilot program for the development of a performance measurement system in the department of health and human services and calls for all agencies to develop such systems by 2013. The committee recognizes the need for measuring how effectively the state is servicing the public and believes this approach is consistent with the goals of improving governmental practices. DHHS has been working on this type of analysis for several years and some other agencies are currently involved in discussions about adopting a similar model. The amendment extends the deadlines to ensure smooth adoption. Vote 13-0.

Amendment (0606h)

Amend RSA 21-U:2 through 21-U:5 as inserted by section 1 of the bill by replacing them with the following:

21-U:2 Pilot Program to Establish Performance Measurement System. There is hereby established in the department of health and human services a pilot program for the development and adoption

of a performance measurement system. The performance measures to be developed shall include both process and end outcome indicators. Process indicators shall include, but not be limited to input, intermediate outcome, and output indicators. The performance measurement system shall be developed at the departmental level and shall serve as a model for program level performance measurement. Notwithstanding RSA 21-U:5, the department of health and human services shall develop and adopt a performance measurement system as provided for in this chapter on or before July 1, 2012.

21-U:3 Interim and Final Report. The department of health and human services shall submit an interim and a final report on the development and adoption of a performance measurement system. The interim report shall be filed on or before December 31, 2012, and the final report shall be filed on or before July 1, 2013. The report shall specifically identify the performance measures developed pursuant to RSA 21-U:2 and shall report on those measures to the extent of the available data. Copies of both the interim and the final report shall be forwarded to the speaker of the house of representatives, the president of the senate, the governor, the chairperson of the house executive departments and administration committee, the house clerk, the senate clerk, and the state library.

21-U:4 Development of Performance Measurement System by Agencies. On or before January 1, 2012, each agency, as defined in RSA 21-G:5, III, shall provide to the department of health and human services a contact person within the agency who shall be responsible for providing the department of health and human services with information as to that agency's readiness to adopt the performance measurement system provided for in RSA 21-U:5. Each such agency shall cooperate with the department of health and human services and shall provide the required information in a timely manner so that the information can be included with the reports submitted pursuant to RSA 21-U:3.

21-U:5 Adoption of Performance Measurement System by Agencies. Beginning December 31, 2013, every agency, as defined in RSA 21-G:5, III, shall adopt a performance measurement system for each of its programs that includes: a mission statement, the outcomes the program seeks to achieve, and the specific outcome indicators that the program intends to use to track performance.

AMENDED ANALYSIS

This bill establishes a pilot program for the development of a performance measurement system in the department of health and human services. The bill requires all agencies to develop performance measurement systems by December 31, 2013.

HB 586, establishing an interdepartmental public health and environmental coordinating committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D. Pratt for Executive Departments and Administration: This bill adds bi-annual meetings to four state agencies on top of the work they already have to do. Their reports are advisory in nature and thus lack any rulemaking or other authority to influence outcomes. The committee felt that the additional workload was ill-advised at this time. Vote 16-0.

HB 620, establishing a commission to study the creation of a health care pool for police, fire, teachers, state, university, and municipal employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Calvin D. Pratt for Executive Departments and Administration: This bill creates a study commission that duplicates private sector activities and is thus unnecessary at this time. Vote 16-0.

HB 630, requiring state agencies, boards, and commissions to submit a report to the senate and house finance committees concerning the need for fee increases or new fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter T. Hansen for Executive Departments and Administration: The committee felt the bill's intent was unclear and would or could result in undue burden and repetition of information flowing to the recipient finance committees. HB 624, which has been retained, also addresses the intent of this bill. Vote 14-0.

HB 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program. **OUGHT TO PASS.**

Rep. Betsy McKinney for Fish and Game and Marine Resources: This bill was a request of the fish and game department and asks for the ability to suspend hunter certification under administrative rules for a person charged with significant violations of safety rules and require these individuals to retake a hunter safety course. Vote 9-0.

HB 71, authorizing establishment of pharmaceutical drug take-back programs. **OUGHT TO PASS.** Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This is enabling legislation that allows New Hampshire communities and private entities to establish uncontrolled and controlled drug take-back programs for the purpose of destruction of these agents by allowing collaboration with the chief law enforcement of the community or governmental entity. This bill does not mandate participation upon any community or private entity at the state or municipal level. There is great legislative and constituent support for this legislation. All should support this legislation as it has already proven its ability to remove thousands of unused medications from homes and streets of New Hampshire. Vote 11-0.

HB 75, establishing a commission to study bed bugs in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: The committee agrees that bedbugs are a growing problem in New Hampshire and New England. This public health concern presents a serious challenge for the healthcare, hospitality, tourism, education and housing communities. Consequently, the committee has assigned the bed bug issue to the health and human services oversight committee (HHSOC) in order to expedite the discussion. The HHSOC has already created a subcommittee to bring the stakeholders together to discuss public education and prevention strategies. The prime sponsor of HB 75 will be chairing the subcommittee. Vote 16-0.

HB 163, establishing the medical sharps advisory council on disposal of medical sharps. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This bill would establish the medical sharps advisory council, a product of a 2008 commission. The health and human services oversight committee agreed to establish the medical sharps advisory council. Vote 17-0.

HB 191, relative to the community mental health system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill addresses the recommendations of a 2010 performance audit of the 10 community mental health agencies. As recommended by the audit, it eliminates the term "state funded" and requires all state contracts to have outcome measures. It also addresses the concern related to the growing problem of uncompensated care delivered to individuals who have no insurance and present for mental health services. The bill clarifies that clinical interventions cannot be denied but enables the agencies to prioritize care for this group of clients based on a thorough clinical assessment. This language will enable the community mental health agencies to stretch their increasingly scarce resources a bit further while providing care to needy individuals. Vote 16-0.

Amendment (0505h)

Amend RSA 135-C:13 as inserted by section 4 of the bill by replacing it with the following:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color or religion, sex, or inability to pay. *In the event that the person does not have the ability to pay, the agency responsible for providing services shall conduct a clinical assessment and based on that assessment shall provide clinically necessary services. If the assessment reveals that the person presenting symptoms is non-emergent, then the agency may prioritize when the person accesses treatment but services shall not be denied. If the person requires immediate care while waiting to access services, then the agency's emergency services program may be utilized by the person at any time, 24 hours a day, 7 days a week. In the event that a severely mentally disabled person does not have the ability to pay, the agency responsible for providing services shall conduct an assessment and shall provide services necessary to alleviate those impairments which formed the basis for the determination, under the rules authorized by RSA 135-C:61, that the person was severely mentally disabled. Additional services may be prioritized based on clinical needs. Services to persons subject to orders of involuntary admission or other involuntary treatment under RSA 135-C:27-54 shall be provided without the limitations permitted under this section and in the same manner as a person who is able to pay for services.* Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has

a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, ~~[such service shall be documented through individual service plans. When services have been documented to be necessary but unavailable,]~~ each agency responsible for provision of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may include housing and such other services as the department may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

Amend the bill by replacing all after section 4 with the following:

5 Discrimination Prohibited; Eligibility for Services. RSA 135-C:13 is repealed and reenacted to read as follows:

135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled person shall be eligible for admission to the state mental health services system, and no such person shall be denied services because of race, color or religion, sex, or inability to pay. Eligible persons shall include formerly severely mentally disabled persons who without continued services would probably become severely mentally disabled again. Each client has a right to adequate and humane treatment provided in accordance with generally accepted clinical and professional standards. The treatment shall include such psychological, psychiatric, habilitative, rehabilitative, vocational and case management services which are necessary and appropriate to bring about an improvement, when possible, in the client's condition and which are available within the state mental health services system. If necessary services are not available, each agency responsible for provision of such services shall notify the department of the need for them, and the department shall utilize such information for budgetary planning purposes. The treatment may include housing and such other services as the department may elect to provide to severely mentally disabled persons. Eligibility for services in the mental health system for persons under 21 years of age shall be determined after consideration of the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive state services and the service guarantees for clients in the state system.

6 Effective Date.

I. Section 5 of this act shall take effect January 1, 2014.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill implements recommendations of the office of legislative budget assistant's 2010 performance audit report of the New Hampshire community health system. This bill clarifies the eligibility for mental health services when persons are unable to pay for them.

HB 214, establishing a committee to study the state's participation in the federal Medicaid program. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen J. Cusson-Cail for Health, Human Services and Elderly Affairs: This bill establishes a committee to study the state's participation in the federal Medicaid program. The committee decided to allow the HHS Oversight Committee to establish a subcommittee to study this and other methods relating to financing of health care. Vote 17-0.

HB 284-FN, relative to contact lens prescriptions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rich T. DiPentima for Health, Human Services and Elderly Affairs: This bill, as amended, will cause refracted and plano (unrefracted) lenses to "on prescription only" for sales. At the present time, only refracted lenses (prepared for sight need for each individual) are on prescription only. This bill will add plano lenses. This bill was requested by the NH board of optometry. This request was triggered by the purchase of "colored lenses" to change the color of the wearer's eye, which was sold at a tattoo parlor. These lenses have to be fitted just as the refracted lenses. Later,

this lady came to an optician with an ulcerated cornea which, if not properly treated, could cause the loss of sight in that eye. This bill has been heard and passed because of possible public harm if these lenses can be sold without a prescription from an eye doctor. Vote 15-0.

Amendment (0322h)

Amend the bill by replacing all after the enacting clause with the following:

1 Optometry; Definitions; Pharmaceutical Agent. Amend RSA 327:1, IV(e) to read as follows:

(e) The application, *prescribing*, or removal of Food and Drug Administration approved medical devices, as approved by the board and consistent with the practice of optometry as set forth in this chapter, including, but not limited to, contact lenses, *plano lenses*, and punctal plugs. *The term "plano lenses" means contact lenses with no refractive power.*

2 New Paragraph; Contact Lens Prescriptions. Amend RSA 327:25-a by inserting after paragraph V the following new paragraph:

VI. No person shall sell contact lenses without a valid prescription as defined in paragraph V.

3 New Paragraphs; Penalty. Amend RSA 327:30 by inserting after paragraph III the following new paragraphs:

IV. The board is authorized to issue a cease and desist order against any person or entity engaged acting in violation of this chapter. The cease and desist order shall be enforceable in superior court.

V. The attorney general, the board, or the prosecuting attorney of any county or municipality where the violation takes place may maintain an action to enjoin any person or entity from continuing to violate the provisions of this chapter. The action to enjoin shall not replace any other civil, criminal or regulatory remedy. An injunction without bond is available to the board.

4 Ophthalmic Dispensing; Definitions. Amend RSA 327-A:1, IV to read as follows:

IV. "Prescription for contact lenses" means a dated and signed, written direction specifying that it is for contact lenses ~~and which~~ *or plano lenses*, and shall include at least the power, size, curvature, color, and material composition of the ~~contact~~ lenses. A prescription for contact lenses may also include, at the prescriber's professional discretion, other parameters or instructions such as lens manufacturer, prescription expiration date, number of permitted refills, and a statement prohibiting substitutions. Such parameters or instructions shall be honored by a person filling the prescription. Unless otherwise specified by the prescriber for health reasons, a contact lens prescription shall expire one year from the date of issue.

5 New Paragraph; Ophthalmic Dispensing; Definitions. Amend RSA 327-A:1 by inserting after paragraph VIII the following new paragraph:

IX. "Plano lenses" means contact lenses with no refractive power.

6 Effective Date. This act shall take effect 60 days after its passage.

HB 312-L, relative to notice required for the fluoridation of drinking water. **INEXPEDIENT TO LEGISLATE.**

Rep. Rich T. DiPentima for Health, Human Services and Elderly Affairs: This bill would require communities that fluoridate their water supplies to place a notice on water bills advising parents of children less than 12 months of age of the potential of developing dental fluorosis if they exclusively use tap water to reconstitute formula. This bill has a number of issues of concern for the committee. First, it would only address the 11 communities in New Hampshire that fluoridate their water and not include those small community water supplies with high levels of naturally present fluoride. The committee also was concerned that this bill may involve an unfunded mandate for the affected communities. The proposed language of the notice was not consistent with the recommendations of the Centers for Disease Control and Prevention (CDC) or the American Dental Association (ADA). Lastly, the committee feels that this concern is best addressed by parents discussing this issue with their child's physician or dentist. Vote 16-0.

HB 407, establishing a committee to study the rising incidence of autism. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs: After reviewing the testimony from the public hearing weighing the current situation, it was agreed that this issue is unlikely to be further helped by creating an autism study committee. Vote 16-0.

HB 426, adding certain entities to the unused prescription drug program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank G. Case for Health, Human Services and Elderly Affairs: This bill has been requested by the NH board of pharmacy. This bill will give the board of pharmacy the authority to make rules which would allow long- term health care facilities (nursing homes) and correctional facilities to donate unused prescription drugs to the New Hampshire recycling program. These donations will provide a large number of prescription drugs to be reused and not destroyed. Vote 16-0.

Amendment (0217h)

Amend RSA 318:58, I as inserted by section 1 of the bill by replacing it with the following:

I. Any patient, or other person [~~licensed pursuant to RSA 318:42, H and acting on behalf of the patient~~] *or entity authorized to possess prescription drugs and medical devices pursuant to RSA 318, including manufacturers and wholesalers licensed under RSA 318:51-a, or other law, including any nursing home or long-term care facility licensed under RSA 151 or any correctional facility*, may donate unused prescription drugs and medical devices to the program.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: This bill requires that the departments of health and human services and administrative services issue a certain request for information (RFI) needed to determine if a single source administrator for the NH pharmacy benefits management system is feasible. If the RFI suggests that there would be increased efficiency and savings, the commissioners shall jointly issue a request for proposal (RFP) within six months of the report required under this section and the cost of the RFP shall be borne by the affected groups in proportion to their covered lives. Vote 17-0.

Amendment (0565h)

Amend the bill by replacing section 1 with the following:

1 Request for Information Relative to Single Pharmacy Benefits Manager. The commissioners of the departments of health and human services and administrative services shall jointly issue a request for information (RFI) to solicit information on the feasibility and opportunities for efficiency or savings presented by unifying the public payors of health care benefits, including, but not limited, to Medicaid, state employees and retirees, and municipal employees and retirees, in a single pharmacy benefits manager. The RFI required under this section shall be issued no later than 90 days after passage of this act. The commissioners shall submit a report to the governor, speaker of the house of representatives, president of the senate, and the oversight committee on health and human services established in RSA 126-A:13 no later than 60 days following the completion of the RFI process summarizing the information received. If the RFI suggests that there would be increased efficiency and savings, the commissioners shall jointly issue a request for proposal (RFP) within 6 months of the report required under this section and the cost of the RFP shall be borne by the affected groups in proportion to their covered lives.

AMENDED ANALYSIS

This bill requires the commissioners of the departments of health and human services and administrative services to issue a request for information (RFI) soliciting information regarding the feasibility of unifying the public payors of health care benefits in a single pharmacy benefits manager. Under this bill, if the RFI suggests there would be savings under such system, the commissioners shall issue a request for proposal.

HB 146, relative to the right of jury nullification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: As amended, this bill requires the judge in a criminal trial to instruct the jury of its right "to judge the facts and the application of the law in relationship to the facts in controversy." It also requires the court to permit the defendant or counsel for the defendant to explain this right to the jury. Vote 17-1.

Amendment (0591h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Intent of the General Court. Under the decisions of both the New Hampshire supreme court and the United States Supreme Court, the jury has the right to judge the facts and the application of the law in relationship to the facts in controversy. The jury system functions at its best when it is fully informed of the jury's prerogatives. The general court wishes to perpetuate and reiterate the rights of the jury, as ordained under common law and recognized in the American jurisprudence, while preserving the rights of a criminal defendant, as enumerated in part 1, articles 15 and 20, New Hampshire Bill of Rights, and the Seventh Amendment of the Constitution for the United States of America.

2 New Section; Right of Accused; Jury Instruction. Amend RSA 519 by inserting after section 23 the following new section:

519:23-a Right of Accused. In all court proceedings the court shall instruct the jury of its right to judge the facts and the application of the law in relationship to the facts in controversy. The court shall permit the defendant or counsel for the defendant to explain this right to the jury.

3 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill states that in all criminal proceedings the court shall instruct the jury of its right to judge the facts and the application of the law in relationship to the facts in controversy. The court is also required to permit the defendant or counsel for the defendant to explain this right to the jury.

HB 305, relative to the homestead right. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill amends the homestead law, RSA Chapter 480, in order to change a rule established in the 2007 case of *Chase v. Ameriquest Mortgage Co.*, 155 N.H. 19. Until *Chase*, it had been widely understood that the four exemptions and exceptions from levy or sale on execution and from liability to be encumbered or taken for the payment of debts set out in RSA 480:4 must be strictly construed. In *Chase*, however, the supreme court embraced a further exception when, to the extent of the amount of the new mortgaged-secured loan used to pay off the old one, it recognized an equitable lien on Mrs. Chase's homestead in favor of the foreclosing mortgage lender, even though her signature on the new mortgage had been forged. The result was to condemn a single mother and her two minor children to eviction from their home, precisely the evil that this chapter had been enacted to prevent. This bill would clarify that the statutory homestead exemption creates an exception to the common law theory of equitable subrogation in that the ability of individual creditors to be secured by a lien on a homestead is subordinated to the broader social benefit of preventing destitution and homelessness of mothers and children; that it is the purpose of the homestead exemption to secure to debtors and their families the shelter of the homestead roof. Vote 16-0.

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph M. Hagan for Judiciary: This bill extends access to public records (RSA 91-A) concerning line of duty motor vehicle accidents and violations by state employees to the same events involving county, city, town and local entity employees. This expansion of the right-to-know provisions was felt to be a matter of fairness to all employees of New Hampshire governments. Vote 14-0.

Amendment (0547h)

Amend the bill by replacing section 1 with the following:

1 Motor Vehicle Records; Disclosure Required. Amend RSA 260:14, II-a to read as follows:

II-a. The accident report, the technical accident reconstruction report, any repair estimate, or any similar document that constitutes a motor vehicle record that is created or received as a result of any accident or collision involving a ~~[state-owned or state-leased]~~ vehicle *owned or leased by the state, a county, a city, a town, or a local public entity* shall be a governmental record subject to inspection and disclosure in accordance with RSA 91-A. *Any report of a violation of this title by an employee or official of a county, a city, a town, or a local public entity while engaged in official business in a vehicle owned or leased by the state, a county, a city, a town, or a local public entity shall be a governmental record subject to inspection and disclosure in accordance with RSA 91-A.*

HB 349-FN, relative to alternative dispute resolution in civil cases. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: This bill would require non-binding arbitration for legal cases involving \$100,000 or less that were not resolved through other alternative dispute resolution methods. Currently, litigants in cases involving money judgments are required to participate in alternative dispute resolution, with the majority of litigants preferring mediation. However, litigants in New Hampshire are not required to itemize their damages prior to discovery or trial, so it was unclear to the committee or the judicial branch representative that testified how the \$100,000 limit imposed by this bill would be determined. Further, imposing an additional requirement of arbitration for those smaller cases that did not settle at mediation would eliminate smaller valid claims due to increased costs, would further slow the already-clogged court system, and would impose a significant financial burden on the judicial branch. The majority believes that the alternative dispute resolution procedures already in place are working well and that this bill is not only unnecessary, but that it would be detrimental to the current system. Vote 14-1.

HB 412, establishing a committee to study issues of judicial standing under federal and state law. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter L. Silva for Judiciary: This bill would establish a committee to study issues of judicial standing under federal and state law. The committee believes that this study is unnecessary because the perceived problems regarding taxpayer standing can be resolved by amending RSA 491:22. Therefore, the committee unanimously recommends inexpedient to legislate. Vote 15-0.

HB 431, relative to psychiatric evaluations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M. Weber for Judiciary: Two sessions ago, RSA 135-C: 43, regarding non-emergency involuntary admissions to the state hospital or other facility, was amended to close the probate files in these cases to protect the privacy of the individuals involved. An unintended consequence of the change was that the probate court cannot now send a copy of the psychiatric evaluation which provides the basis for the commitment to the treating institution. The evaluation contains useful information that could aid in the determination of the best course of treatment. The bill provides that the court can determine whether the evaluation should be provided to the treating facility, after the individual who is the subject of the proceeding has notice and an opportunity to be heard on the issue. The amendment changes the word "shall" to the word "may" to reflect that the court could determine that the file should not be forwarded to the treating institution. Vote 13-0.

Amendment (0478h)

Amend RSA 135-C:45, I as inserted by section 2 of the bill by replacing it with the following:

I. In hearings held under this chapter, after hearing all the evidence, the court may order the respondent to be released, notwithstanding expert testimony, or it may order the person to submit to some form of treatment other than inpatient treatment on an involuntary basis, which may include treatment at a community mental health program approved by the commissioner. If the examining psychiatrist recommends involuntary admission to a receiving facility as the most desirable form of treatment, the court may so order. *The court may furnish a copy of the psychiatric evaluation, pursuant to RSA 135-C:43, II, performed by the psychiatrist designated by the court to the designated receiving facility, as defined in RSA 135-C:26, or the secure psychiatric unit.* If the court determines that involuntary admission to a receiving facility is necessary, but the examining psychiatrist finds otherwise in his report under RSA 135-C:40, the court may overrule the recommendation of the psychiatrist only after the court finds that treatment other than involuntary admission to a receiving facility would not be in the best interests of the person and the community.

HB 522-FN, relative to elder abuse. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: The committee extends its collective thanks to the sponsor of this bill for her concern for our frail elders and for the opportunity to hear from several experts about this most important issue. The first provision of the bill provides that criminal background checks shall be done on any person seeking to be appointed as a guardian of a frail elder. The committee learned that background checks are already routinely required not only for guardians of elders, but of minors as well. Secondly, the bill provides that a person convicted of felony abuse of an elder forfeits all right to the estate of their victim. New Hampshire does not have a codified version of the "slayer law," the law that prohibits one who has killed another from benefitting from the crime.

However, case law from the 1960s and also from 2000 confirmed the equitable powers of a court to impose a constructive trust on an inheritance in that circumstance, and to ensure that the criminal did not benefit from the crime. The committee was convinced that the court has the power, in an appropriate case, to impose the same sanction in a case of elder abuse. As the core subjects of the bill are being addressed through different mechanisms, the committee determined that passage of further legislation was not needed at this time. Vote 16-0.

HB 596, establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter L. Silva for Judiciary: This bill was voted unanimously Inexpedient to Legislate. Committee members felt this was the best vote because HB 232, relative to abandoned homes in manufactured housing parks, is currently in the Municipal and County Government Committee for further study during the summer. Vote 15-0.

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H. Rowe for Judiciary: The bill represents a complete reorganization of a portion of the Judicial Branch. Three courts have been merged, namely the District Court, Probate Court and the Family Division. The merger of the three court functions into the new court structure, the Circuit Court, will bring the functions of the three courts closer to the citizens with a resulting reduction of citizen's costs, travel and court delay. Judges in all three of the former courts will become certified in district court, probate court and family matters. As a result, there will be greater flexibility in the court in dealing with matters brought before them. In smaller towns, the court will be available to hear a variety of cases, thus reducing delays. The Circuit Court will function in all current court locations; no courts will be closed. Further, the bill provides for the elimination of marital masters at the end of each masters' current contract term. The marital master function will be converted to that of a full-time judicial position depending on available funding and approval of Governor and Council in each case. Vote 16-0.

Amendment (0739h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Circuit Court. Amend RSA by inserting after chapter 490-E the following new chapter:

CHAPTER 490-F CIRCUIT COURT

490-F:1 Purpose. The general court hereby organizes, constitutes, and establishes the New Hampshire circuit court. The goals of the circuit court are the respectful treatment of all individuals, the prompt and fair resolution of all issues within its jurisdiction, the use of alternative dispute resolution to reduce the adversarial nature of proceedings, the effective use of technology and the assignment of judicial and nonjudicial staff specially selected for their commitment to these goals.

490-F:2 Circuit Court; General. The circuit court shall be a court of record with statewide jurisdiction. Each circuit court location shall have the authority to hear all cases within the subject matter jurisdiction of the circuit court. Subject to part 1, article 17 of the New Hampshire constitution, nothing in this chapter shall prohibit the reassignment of cases within the circuit court as justice or efficiency require in the discretion of the administrative judge of the circuit court.

490-F:3 Circuit Court Divisions. The circuit court shall consist of 3 divisions: a probate division, a district division, and a family division. The circuit court shall have the jurisdiction, powers, and duties conferred upon the former probate and district courts and upon the former judicial branch family division by RSA 547, RSA 502-A, and RSA 490-D.

490-F:4 Circuit Court Locations. The judicial districts for the district and family divisions shall be as set forth in RSA 502-A:1 and RSA 490-D:4, respectively, and each county shall be a judicial district for the probate division. The supreme court may, from time to time, establish other locations for each of the divisions. The probate court records shall be maintained at the circuit court site at each county seat. The circuit courts shall be as follows:

- | | |
|---------------------|----------------|
| I. Coos county | first circuit |
| II. Grafton county | second circuit |
| III. Carroll county | third circuit |
| IV. Belknap county | fourth circuit |

V. Sullivan county	fifth circuit
VI. Merrimack county	sixth circuit
VII. Strafford county	seventh circuit
VIII. Cheshire county	eighth circuit
IX. Hillsborough county	ninth circuit
X. Rockingham county	tenth circuit

490-F:5 Circuit Court Judges and Masters; Appointment; Tenure.

I. On the effective date of this chapter, the circuit court shall consist of those justices and masters previously appointed and commissioned by the governor and council as prescribed by the constitution and the laws of the state of New Hampshire. The tenure of office of persons serving as justices or special justices of the district and probate courts or marital masters in the judicial branch family division and superior court shall not be affected hereby, and they shall continue in office as judges or masters respectively of the circuit court.

II. Judicial and master appointments to fill vacancies which exist on the effective date of this chapter in the former probate and district courts and in the former judicial branch family division shall be to the New Hampshire circuit court. No judicial officer appointed to the circuit court shall be appointed to a particular location; however, the assignment of a circuit court judge to a particular location shall be within the discretion of the administrative judge of the circuit court who shall take into account the weighted caseload and judicial need of that location.

490-F:6 Circuit Court Judges and Masters; Assignment; Certification.

I. Circuit court judges and masters shall be assigned to one or more circuits or locations in the discretion of the administrative judge of the circuit court after considering population, judicial time and efficiency, available judicial resources, and the needs of the public.

II. The assignment of a circuit court judge to a division within the circuit court shall be based upon the judge's knowledge of, commitment to, and expertise in the subject matter of the division.

III. For purposes of part 2, articles 80 and 81 of the New Hampshire constitution, a judge of probate shall be any circuit court judge assigned to the probate division.

IV. Judges and marital masters appointed prior to the effective date of this chapter shall be initially assigned within the circuit court as follows:

(a) Judges of the former probate court shall be initially assigned to the probate division of the circuit court;

(b) Judges of the former district court shall be initially assigned to the district division of the circuit court;

(c) Judges certified in the former judicial branch family division shall be initially assigned to the division that corresponds with their initial appointment and to the family division of the circuit court; and

(d) Masters appointed to the former judicial branch family division or superior court shall be permanently assigned to the family division of the circuit court.

V. The assignment of a circuit court judge to a division following initial assignment shall be within the discretion of the administrative judge; provided, however, the circuit court judge shall be certified by the supreme court to hear cases coming within the newly assigned division prior to such assignment. A judge initially assigned to a division within the circuit court pursuant to paragraph I shall be deemed certified in the division of initial assignment.

VI. Thereafter, judges appointed to the circuit court shall be assigned to a division at the discretion of the administrative judge subject to the following considerations:

(a) The knowledge, commitment to, and expertise of the judge in the subject matter of the particular division to which the judge is to be assigned;

(b) The division in which the judicial vacancy resulting in the new appointment exists, and

(c) The judicial needs of a particular circuit court location as determined by the administrative judge.

VII. Judges may be certified in all divisions of the circuit court pursuant to rules adopted by the supreme court.

VIII. Nothing in this section shall prohibit the administrative judge from assigning judges to a division as justice and efficiency require.

IX. The judges and masters shall be entitled to receive their actual personal expenses when absent from their assigned court in the performance of their official duties. The judges and masters shall not be reimbursed for mileage to commute from the judge's residence to his or her assigned court except for any mileage in excess of 50 miles each way.

490-F:7 Circuit Court Judges; Number.

I. Except as provided in paragraph II, the number of judges and masters in the circuit court shall not be less than the number of authorized judicial and master positions in the former district court, probate court, and judicial branch family division, as well as any superior court judicial officer or marital master equivalent not yet transferred to the former judicial branch family division on the effective date of this chapter but necessary to complete the family division implementation as set forth in RSA 490-D.

II. Upon the retirement, resignation, disability, or removal of a part-time justice or special justice of the former probate or district courts, the position shall be eliminated, unless within 30 days of such retirement, resignation, disability, or removal the supreme court certifies in writing to the governor that due to population, caseload, and available judicial resources, the position needs to be continued in the circuit court.

III. Upon the completion of the current term of a marital master, the position shall be converted to a full-time judicial position, provided that the fiscal committee of the general court approves and further provided that sufficient funds have been appropriated for the salary and benefits of the full-time judicial position. Once converted to a full-time judicial vacancy, the governor may nominate and the council may confirm any qualified person pursuant to part 2, article 46 of the New Hampshire constitution.

IV. The supreme court, after reviewing population, caseload, judicial time, and efficiency, available judicial resources, the needs of the circuit court, and other relevant criteria may request the governor and council to designate a sitting part-time judge as a full-time judge. The court may recommend certain judges; however, the governor and council shall not be bound by that recommendation. Upon designation, that judge shall become full-time. Prior to making its request, the supreme court shall receive the approval of the fiscal committee of the general court and there shall be funds in the court's budget specifically appropriated for the salary and benefits of an additional full-time circuit court judge.

490-F:8 Circuit Court Judges; Retired Judges.

I. Nothing in this chapter shall limit the ability of retired judges under 70 years of age of the former district and probate courts or of the circuit court to elect senior active status or of such retired judges 70 years of age and older to serve as judicial referees pursuant to RSA 493-A.

II. Judges who have elected senior active status, are eligible to elect senior active status, or are eligible to serve as a judicial referee on the effective date of this chapter shall maintain such eligibility.

III. The assignment and certification provisions of this chapter shall apply to senior active judges and retired judges acting as judicial referees.

490-F:9 Disqualifications of Judges. No judge or clerk of the circuit court shall be retained or employed as an attorney in any action, complaint, or proceeding pending in a division of the circuit court or circuit court site in which that judge or clerk has been certified or assigned. No attorney shall be permitted to practice before any division of the circuit court where any justice, associate justice, or special justice is associated with such attorney in the practice of law.

490-F:10 Full-Time Circuit Court Judges. A circuit court judge designated to be full-time under RSA 490-F:7, IV shall not be permitted to engage in the practice of law to any degree. Full-time judges shall receive the salary specified in RSA 491-A:1.

490-F:11 Judicial Branch Budget Request. For the purpose of calculating the biennial budget request and judicial salaries as well as the number of judicial positions required in the circuit court, the supreme court shall establish and revise as needed a weighted case value, relating the judicial time required for each type of case included in the court's jurisdiction, which when multiplied by the caseload of each court will produce the number of weighted case units for that court. Any revisions to the weighted case values shall be approved by the fiscal committee of the general court. The number of weighted case units shall be calculated by the administrative office of the courts in October of each year, using caseload statistics for the preceding 12-month period. Said weighted case units shall serve as the basis for determining the salary of part-time judges for the next calendar year.

490-F:12 Part-Time Judges; Salary Calculation. The salary of judges who were part-time judges in the district and probate courts shall be calculated each year based on the weighted caseload of the former jurisdiction less any weighted values for case types that are no longer within the jurisdiction of the circuit court or judicial branch.

490-F:13 Circuit Court Clerks; Appointment. The administrative judge of the circuit court shall appoint a clerk with responsibility for each circuit court site. In the interest of the effective administration of justice, any such clerk may have responsibility for one or more circuit court locations. Circuit court clerks shall have the same duties as clerks of the former district court and judicial branch family division and as registers of probate with the exception of RSA 15-B, RSA 456-B, RSA 548, RSA 653, RSA 655, and RSA 661 which shall remain as duties of the registers of probate. Circuit court clerks shall hold office at the pleasure of the administrative judge of the circuit court.

490-F:14 Staff. The administrative judge of the circuit court shall identify a mechanism by which to assign and transfer existing staff in the probate and district courts and in the judicial branch family division to operate the circuit court. The number of circuit court staff shall be based upon a review of anticipated caseload, population, available staff resources, and other relevant criteria, including information from any weighted caseload system.

490-F:15 Referees. The circuit court, with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein the parties are not, as matter of right, entitled to a trial by jury; and with the consent of the parties shall in the same manner commit any other cause or the determination of any other question of fact.

490-F:16 Alternative Dispute Resolution. Alternative dispute resolution shall be utilized in the circuit court when practicable to reduce the adversarial nature of proceedings.

490-F:17 Existing Procedure Applicable. All provisions of law, not inconsistent herewith, relating to procedure in civil or criminal matters and practice in the former probate and district courts and the former judicial branch family division shall remain in full force and apply to the circuit courts hereby established.

490-F:18 Statutory References. During the implementation of the circuit court, references in statutes involving the jurisdiction of the circuit court to the probate or district courts or to the judicial branch family division shall be deemed to include the circuit court. Following the full implementation of the circuit court, those references shall be deemed to be to the New Hampshire circuit court where it has exclusive jurisdiction of a subject matter and to the superior court and circuit court where the circuit court has concurrent jurisdiction with the superior court.

490-F:19 Implementation Plan. On the effective date of this chapter, the New Hampshire circuit court shall be operational based upon a plan of implementation developed by the administrative judge of the circuit court in consultation with and approved by the supreme court.

2 Judicial Branch Family Division Clerks, Fees. RSA 490-D:12, II and III are repealed and reenacted to read as follows:

II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

III. The sum of \$5 shall be added to each entry fee collected by the circuit court clerk on cases which, prior to the establishment of the judicial branch family division, would have been filed in the probate court. Sums collected under this paragraph shall be deposited in the mediation and arbitration fund established under RSA 490-E:4.

3 Sessions in Towns Within District. RSA 502-A:2, II is repealed and reenacted to read as follows:

II. The administrative judge of the circuit court established in RSA 490-F shall have the authority to and shall, on an annual basis, establish the number of court sessions and the hours and days of operation required for each district court. The administrative judge shall consider the convenience of each court's users, caseload, resources, and security. Each court shall submit a plan for flexible scheduling to the administrative judge that meets the needs of the community served by that court which may include evening, early morning, and/or weekend sessions and other alternative sessions. In evaluating the community need for alternative sessions, the administrative judge and local courts shall evaluate separately civil suits, small claims, order of notice, motor vehicle matters, and criminal cases to determine the needs of the community.

4 Duties of Clerks; Disposition of Fines. RSA 502-A:8 is repealed and reenacted to read as follows:

502-A:8 Duties of Clerks; Disposition of Fines.

I. The clerk of the applicable circuit court established in RSA 490-F shall receive all fines and forfeitures paid into the district court from any source. The clerk of any circuit court may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is deposited with the treasurer and not out of the penalty assessment charged by a district court. The clerk shall forward fines collected for violations of title XXI to the treasurer for deposit in the highway fund and fines collected for violations of title LXII and all other statutes to the treasurer for deposit in the general fund within 14 days. The clerk shall separately indicate which fines were for violations of title XXI. Fines and forfeitures collected by the clerk for violations of municipal ordinances, codes, or regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII; and RSA 105:6 through RSA 105:7, shall be remitted monthly to the treasurer of the municipality prosecuting said violations, for the use of the municipality. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines collected shall be retained in their entirety by the local unit of government.

II. Nothing in this section shall prevent the court from transferring the collection of fines to a centralized location. Any fines collected by the central location shall be distributed as indicated in paragraph I. References to duties and responsibilities of clerks contained in paragraph I shall be deemed to include the central fine collection center as appropriate.

5 Criminal Cases; District Courts. RSA 502-A:11 is repealed and reenacted to read as follows:

502-A:11 Criminal Cases, District Courts. Each district court shall have the powers of a justice of the peace and quorum throughout the state and shall have original jurisdiction, subject to appeal, of all crimes and offenses committed within the confines of the district in which such court is located which are punishable by a fine not exceeding \$2,000 or imprisonment not exceeding one year, or both, including all violations of the provisions of RSA 266:16 and 266:25 pertaining to vehicles exceeding permitted size or weight, regardless of whether the defendant is a natural person or any other person.

6 Jury Trial. RSA 502-A:15 is repealed and reenacted to read as follows:

502-A:15 Jury Trial. In cases in which the damages claimed exceed \$1,500 or the title to real estate is involved, if the defendant, upon the entry of any action for damages under RSA 502-A:14, II or II-a, within 7 days of the return date of the action or within such additional time as the district court for good cause may allow, files a written request for trial by jury, the cause shall be at once transferred to the superior court for the county or judicial region in which the court is located, to be heard and tried as if originally entered in the transferee court. The original entry fee and cost of transferring the action shall be paid by the moving party but shall be recoverable as costs if the moving party prevails in the action. If, after transfer for trial by jury, the moving party waives the right to jury trial, the cause shall at once be remanded to the district court of original jurisdiction.

7 District Court Fees. RSA 502-A:28, I is repealed and reenacted to read as follows:

I. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of each applicable circuit court established in RSA 490-F for the benefit of the state.

8 Other Fees. RSA 502-A:29 is repealed and reenacted to read as follows:

502-A:29 Other Fees. For other certificates or papers which he or she is authorized to make or certify, the clerk of a circuit court shall receive the same fees as a clerk of the superior court.

9 Probate Court Fees. RSA 490:27, I is repealed and reenacted to read as follows:

I. Probate court fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the applicable circuit court established in RSA 490-F for the benefit of the state.

10 Court of Record. RSA 547:1 is repealed and reenacted to read as follows:

547:1 Court of Record. The court of probate is a court of record for all purposes, and each probate court shall be provided with a seal bearing upon its face the name of the court and the name of this state.

11 Transfer to Superior Court. RSA 547:11-d is repealed and reenacted to read as follows:

547:11-d Transfer to Superior Court. In cases where a right to jury trial is guaranteed by the constitution or granted by statute, a plaintiff desiring a jury trial shall file the action in the superior court, and filing the action in the probate court where there is concurrent jurisdiction shall constitute a waiver of a jury trial by the plaintiff. If the defendant desires a jury trial, the defendant shall

indicate the request for a jury trial at the time of the defendant's initial pleading with the court. Failure to timely request a jury trial shall constitute a waiver by the defendant thereof. If a jury trial is requested by the defendant, the matter shall be transferred to the superior court.

12 New Sections; Dockets and Index; Records; Probate Court Entry Fees. Amend RSA 547 by inserting after section 27 the following new sections:

547:27-a Docket and Index. The probate court shall keep a docket of all cases and matters, and an index thereto which shall be open to public inspection at all reasonable times.

547:27-b Records.

I. The probate court shall appropriately retain all wills and their probate; all proceedings with regard to real estate; all accounts settled, and all orders, decisions and appointments from which an appeal may be claimed.

II. The probate court, subject to the approval of the supreme court, shall establish and implement retention and destruction schedules for those original files, papers and records in cases and matters disposed of by the court.

547:27-c Probate Court Entry Fees.

I. Entry fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of each applicable circuit court established in RSA 490-F for the benefit of the state.

II. The clerk shall set aside 7 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and 14 percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

13 Residence. RSA 548:1 is repealed and reenacted to read as follows:

548:1 Residence, etc. The register of probate shall dwell in the county in which the probate records are required to be kept. If a register shall dwell in any other county and continue so dwelling for 30 consecutive days, the office shall be deemed vacant.

14 Preservation of Files. RSA 548:5 is repealed and reenacted to read as follows:

548:5 Preservation of Files. The register of probate shall be responsible for coordinating with the administrative judge of the circuit court established in RSA 490-F the preservation of any closed files having the potential for historical significance. The register may recommend that these files be sent to the records center established under RSA 5. The register of probate shall maintain a current index describing the location of any files which have been removed from the court pursuant to this section.

15 Salaries. RSA 548:17 is repealed and reenacted to read as follows:

548:17 Salaries. The annual salaries of the registers of probate shall be established by the supreme court in accordance with the compensation system established by the supreme court.

16 Acting as Counsel. RSA 548:24 is repealed and reenacted to read as follows:

548:24 Counsel Acting As. The register shall not act as counsel or advocate in any proceeding in, or to be brought into, the probate court of which the register was elected, nor receive any fee for such service.

17 Acting as Appraiser. RSA 548:25 is repealed and reenacted to read as follows:

548:25 Appraiser, or Commissioner, Acting As. The register shall not be appointed nor act as appraiser or commissioner on any estate under administration in the probate court of the county in which the register was elected.

18 New Section; Record of Decedent's Real Estate. Amend RSA 554 by inserting after section 14 the following new section:

554:14-a Record of Decedent's Real Estate. Whenever it appears from the inventory or any other instrument pertaining to real estate filed with the court in connection with the administration of any estate that the estate contains real estate located in another county within the state, the court shall notify, within 15 days, the register of deeds of the county in which the real estate lies of the name and date of death of the decedent. A register of deeds who receives such a notice shall record in the grantor's index of the register's office the name of the decedent, the decedent's date of death, and the county in which the estate is being probated. The cost for filing said notice shall be assigned to the estate.

19 New Section; Notice to Fiduciaries. Amend RSA 554 by inserting after section 26 the following new section:

554:26-a Notice to Fiduciaries.

I. A fiduciary appointed by the probate court shall file, as required by law, an inventory within 90 days after the date of appointment, or an account of administration within one year after the date of appointment. If a fiduciary fails to file an inventory within 30 days after the required filing date, or an account of administration within 90 days after the required filing date, the fiduciary is in default. The clerk of the applicable circuit court established in RSA 490-F shall give notice of the default to the fiduciary by first class mail within 10 days after the default. In the case of any inventory, account, annual report, statement of voluntary administration, or waiver of administration affidavit, the fiduciary shall either file the inventory, account, annual report, statement of voluntary administration, or waiver of administration affidavit, or show good cause for the failure to file, within 30 days after notice of the default from the clerk. If the fiduciary fails to file or to show good cause, the judge of probate shall issue a citation to the fiduciary to appear before the judge pursuant to RSA 550:2. The fiduciary shall pay default and citation fees as established by the supreme court under RSA 490:26-a to the clerk, pursuant to RSA 490:27. The requirements of this section shall apply to fiduciaries previously appointed as the judges of probate may prescribe by rules adopted pursuant to RSA 547:33.

II. The clerk shall contemporaneously with the issuance of any citation pursuant to paragraph I and RSA 550:2 send a copy of such citation by first class mail to the following:

- (a) Any surety for the fiduciary;
- (b) Any person who has filed an appearance; and
- (c) Any residuary beneficiary, and the director of charitable trusts in cases involving charitable dispositions and trusts.

20 Name Change. Amend the following RSA provisions by replacing "register of probate" and "register" with "clerk:" 5-C:32, 7:29, 21-J:14, 87:21, 87:22, 87:26, 135-C:38, 170-B:16 170-B:22, 171-B:6, 401:1, 457:28-b, 464-A:12, 464-A:20, 464-A:26, 464-A:28, 464-A:33, 505:11, 553:16, 553:25, 561:19, 564:4, 564:12, 568:30, 568:35, and 568:54.

21 Reference Deleted. RSA 151-A:15, I is repealed and reenacted to read as follows:

I. If within 180 days after the date of a testate or intestate patient's death in any nursing home no petition for probate has been filed under any section of RSA 553 and the gross value of the personal property remaining at the nursing home belonging to the deceased, including any amount left in a patient account, is no more than \$2,500, the nursing home administrator shall file in the probate court in the county where the nursing home is located an affidavit for the purpose of disposing of such deceased patient's estate. The form of the affidavit, and the rules governing proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The nursing home administrator shall not file a death certificate with the probate court, but shall attest to the death in the affidavit. If the nursing home patient died testate and if the nursing home administrator has the will or a copy of the will, the nursing home administrator shall file the same in the probate court in the county where the nursing home is located. The probate court shall waive all filing fees.

22 Reference Change. The introductory paragraph of RSA 464-A:35, I is repealed and reenacted to read as follows:

I. A guardian of the person shall file an annual report with the court within 90 days after the anniversary date of the guardian's appointment, or be in default. The clerk shall give notice of the default to the guardian by first class mail within 10 days after the default. The clerk shall issue a citation notice in accordance with RSA 554:26-a. The report shall contain a brief summary of the present status of the ward including, but not limited to:

23 Reference Change. RSA 464-A:36, I is repealed and reenacted to read as follows:

I. Subject to the provisions of RSA 464-A:26, V, a guardian of the estate shall file an annual account under oath with the court within 90 days after the anniversary date of the guardian's appointment, or be in default. The clerk shall give notice of the default to the guardian by first class mail within 10 days after the default. The clerk shall issue a citation notice in accordance with RSA 554:26-a.

24 Reference Change. RSA 490:25, III is repealed and reenacted to read as follows:

III. Receive and accept at any time funds from the sale or exchange of books, pamphlets, maps, manuscripts, and other related material, or from the sale of data base services, barcodes, cataloging records, magnetic tapes, laser discs, video tapes, or related or similar material, or from fees and fines as established by the law library and approved by the supreme court. Any funds accruing to the law library from such sources and as provided under RSA 490:24, I; RSA 490-D:12, II; RSA 499:18, II; RSA 502-A:28, II; and RSA 547:27-c, II shall be paid into the state treasury and held in a continually appropriated fund which shall not lapse for the use of the law library upon approval by the supreme court;

25 Reference Change. RSA 491-A:1 is repealed and reenacted to read as follows:

491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:	
Chief justice, supreme court	\$151,477
Associate justices, supreme court	\$146,917
Chief justice, superior court and administrative judges appointed pursuant to supreme court rule 54	\$146,917
Associate justices, superior court	\$137,804
District court justices prohibited from practice pursuant to RSA 502-A:21-a	\$137,804
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$137,804

26 Reference Change. RSA 553:32, I is repealed and reenacted to read as follows:

I. Notwithstanding any provision of law, whenever a deceased dies testate and the surviving spouse or, if no spouse, an only child is named in the will as the sole beneficiary of the deceased's estate and is appointed to serve as administrator; or whenever a deceased dies intestate and the surviving spouse or, if no spouse, an only child is the sole heir of the deceased's estate and is appointed to serve as administrator, there shall be no requirement for an inventory of the estate, no requirement for a bond, and no requirement for an accounting for assets. Administration of the estate shall be completed upon the administrator's filing, and the probate court's approval of an affidavit of administration. Such filing shall occur not less than 6 months nor more than one year after the date of appointment of the administrator. The affidavit of administration shall state that to the best of the knowledge and belief of the administrator there are no outstanding debts or obligations attributable to the deceased's estate and shall list all real estate owned by the decedent at the time of death, including the location, book, and page. If the administrator fails to file the affidavit of administration within the time prescribed above, the administrator is in default. The clerk shall give notice of the default to the administrator by first class mail within 10 days after the default. The clerk shall issue a citation notice in accordance with RSA 554:26-a.

27 Reference Change. RSA 554:1 is repealed and reenacted to read as follows:

554:1 Inventory. Every administrator shall file under oath, with the court, within 90 days after the date of appointment, a full, true and itemized inventory of all the estate of the deceased which has come to the administrator's knowledge. If an administrator fails to file an inventory within 30 days after the required filing date, the administrator is in default. The clerk shall give notice of the default to the administrator by first class mail within 10 days after the default. The clerk shall issue a citation notice in accordance with RSA 554:26-a. The inventory shall contain a description of the real estate; a correct schedule of all goods, chattels, stocks, bonds, cemetery plots or burial spaces, and other effects of the deceased; of all notes, with their dates and terms of payment, and the date and amount of each endorsement thereon; of all deposits in savings banks, with the name and location of each bank, the number of each book, the date of the last dividend, and the whole amount then due thereon less any withdrawals since that date; and a list and description of any other written evidences of debt. If any person claims a present legal or equitable right of title to real or personal property in the estate of the deceased, the administrator may petition the probate court pursuant to RSA 547:11-b to determine the question as between the parties.

28 Reference Change. RSA 599:1 is repealed and reenacted to read as follows:

599:1 Appeals. A person convicted by a district court of a class A misdemeanor, at the time the sentence is declared, may appeal therefrom to obtain a de novo jury trial in the superior court, which shall hear the appeal. The appeal shall be entered by the defendant at the next return day unless for good cause shown the time is extended by the superior court. If, after a jury trial in the superior court, the defendant is found guilty, the superior court shall sentence the defendant, and the defendant may appeal questions of law arising therefrom to the supreme court. In the event the defendant waives the right to jury trial after the case has been appealed, the superior court shall forthwith remand the case to the district court for imposition of the sentence originally imposed by the district court, and the defendant may appeal questions of law arising therefrom to the supreme court. In all misdemeanor cases which are appealed to superior court or in which defendants are bound over it shall be the duty of the superior court to transmit to the justice of the district court, within 10 days after the case is finally disposed of, a certificate showing the final disposition of the case.

29 Repeal. The following are repealed:

1. RSA 490-D:6, relative to judges and marital masters.

2. RSA 490-D:10, relative to referees.
3. RSA 490-D:11, relative to staff.
4. RSA 490-D:12, I, relative to judicial branch family division clerks.
5. RSA 490-D:13, relative to alternative dispute resolution.
6. RSA 490-D:15, relative to marital master's expenses.
7. RSA 502-A:1-a, relative to additional district courts.
8. RSA 502-A:3, relative to appointment and tenure of district court justices.
9. RSA 502-A:3-a, relative to associate justices of Manchester, Nashua, and Concord District Courts.
10. RSA 502-A:3-b, relative to tenure of district court justices following consolidation.
11. RSA 502-A:3-c, relative to elimination of special justices unless need certified.
12. RSA 502-A:5, relative to powers of other justices.
13. RSA 502-A:5-a, relative to assignment of judges.
14. RSA 502-A:6, III, relative to salaries of clerks.
15. RSA 502-A:6, V, relative to salaries of deputy clerks.
16. RSA 502-A:7, relative to district court clerks.
17. RSA 502-A:7-a, relative to deputy clerk of the Nashua District Court.
18. RSA 502-A:7-b, relative to deputy clerks.
19. RSA 502-A:8-a, relative to assignment of juvenile intake officers.
20. RSA 502-A:8-b, relative to duties of juvenile intake officers.
21. RSA 502-A:12-a, relative to regional jury trials.
22. RSA 502-A:20, relative to courts of record.
23. RSA 502-A:21, relative to disqualification of justices.
24. RSA 502-A:32, relative to existing procedure applicable.
25. RSA 502-A:34, relative to functions of municipal courts vested in district court.
26. RSA 502-A:35, relative to an exception to the abolition of municipal courts.
27. RSA 502-A:36, relative to the transfer of pending actions.
28. RSA 547:11-e, relative to failure to prosecute appeal.
29. RSA 547:27, relative to if the register is not present.
30. RSA 547:38, relative to assignment of judges.
31. RSA 548:2, relative to office hours.
32. RSA 548:3, relative to the seal.
33. RSA 548:4, relative to docket and index.
34. RSA 548:4-a, relative to scheduling.
35. RSA 548:5-a, relative to notice to fiduciaries.
36. RSA 548:6, relative to destruction of records.
37. RSA 548:7-a, relative to the record of decedent's real estate.
38. RSA 548:8, relative to blanks and stationery.
39. RSA 548:9, relative to inventory blanks.
40. RSA 548:14, relative to deputy registers.
41. RSA 548:14-a, relative to additional deputy registers.
42. RSA 548:16, relative to the disability of the register.
43. RSA 548:23, relative to receipts.
44. RSA 548:23-a, relative to probate court entry fees.
- 30 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill establishes the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

HB 637-FN, relative to lowering the legal drinking age for members of the armed forces. INEXPEDIENT TO LEGISLATE.

Rep. Joseph M. Hagan for Judiciary: The committee has the highest respect for and extends the greatest thanks to our service members who have not reached their 21st birthday. However, lowering the legal drinking age to 18 would lead to loss of federal highway funds. Additionally, numerous witnesses, including members of the New Hampshire National Guard, the department of transportation, law enforcement agents unanimously testified that alcohol consumption is especially problematic in this age group and ought to be discouraged by the force of law. Vote 15-1.

HCR 17, declaring that *Copp v. Henniker* and the opinions which subsequently relied upon *Copp* versus *Henniker* are void and of no force. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: *Copp v. Henniker* was decided in 1875, and addresses the availability of jury trials. The case has been reaffirmed over the intervening years. The New Hampshire House cannot, by House Concurrent Resolution, overturn a decision of the New Hampshire supreme court. The legislature has the power at any time to expand the right to jury trial by passing a bill to that effect. Vote 15-0.

HCR 18, declaring *Merrill v. Sherburne* to be void and of no force. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: *Merrill v. Sherburne* was decided in 1818, and addresses the separation of powers between the legislature and the judicial branch. The case has been cited with approval over the intervening years. The New Hampshire House cannot, by House Concurrent Resolution, overturn a decision of the New Hampshire Supreme Court. The legislature has the power to begin the process to overturn this ruling, which has stood for nearly 200 years, by an appropriate constitutional amendment. Vote 14-0.

HB 401, relative to postsecondary training for workers with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joanne A. Ward for Labor, Industrial and Rehabilitative Services: Upon application by a participating employer or proper school authority, the labor commissioner may establish a sub-minimum wage rate or no rate for high school or post secondary student working for practical experience to provide them with on the job skills to seek gainful employment once the training has been completed. The amendment states that during the training period no trainee can replace an employee. Vote 15-0.

Amendment (0527h)

Amend the bill by replacing section 1 with the following:

1 High School and Postsecondary Students; Workers with Disabilities. Amend RSA 279:22-aa to read as follows:

279:22-aa High School and Post Secondary Students; *Workers with Disabilities.*

I. Upon application by a participating employer or proper school authority, the labor commissioner may establish a sub-minimum wage rate, or no rate, for high school or post secondary students working for practical experience, if circumstances warrant. Guidelines shall be established by the labor commissioner to determine whether an employer-employee relationship exists between participating parties for such work in respect to existing labor laws. No such student shall be allowed to replace an existing worker or a laid-off worker.

II. Upon application by a proper post-secondary organization or rehabilitation facility as defined by and in a manner established by the labor commissioner, the commissioner may establish a practical experience/training program at a sub-minimum wage rate or no wage rate for individuals with disabilities. If such program is established, the commissioner shall establish guidelines to determine whether an employer-employee relationship exists between the parties for work performed through the program that is consistent with state and federal law. No such individual with disabilities, while in the program, shall be allowed to replace an existing worker or a laid-off worker.

HB 647, relative to withholding of wages. **OUGHT TO PASS.**

Rep. Andrew A. White for Labor, Industrial and Rehabilitative Services: This bill adds to statute an additional provision on employer withholding of wages. This provision allows the employee and the employer to mutually agree on any withholding provided that withholding is authorized in writing and does not give the employer a financial advantage. Vote 15-0.

HB 114, establishing a committee to study merging the state heritage collections committee and the joint legislative historical committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H. Kidder for Legislative Administration: This bill came to us as a request for a study committee. In the course of testimony it seemed plausible that we should combine the functions under one bill. The bill was amended to reinstate the joint legislative historical committee. It is the hope archival, historic, cultural and art assets can be catalogued so we know what we own, using the best current practices. Vote 14-0.

Amendment (0455h)

Amend the title of the bill by replacing it with the following:

AN ACT reinstating and expanding the duties of the joint legislative historical committee.

1 Reinstatement of Joint Legislative Historical Committee. Pursuant to 2009; 144:87, I(a), the joint legislative historical committee, established in RSA 17-I:1, is hereby reinstated.

2 Joint Legislative Historical Committee; Duties. RSA 17-I:2 is repealed and reenacted to read as follows:

17-I:2 Committee Responsibilities. The committee shall have the following responsibilities:

I. To purchase and restore historical items, including paintings and memorial plaques, for the state house, the legislative office building, and other buildings or facilities under the jurisdiction of the general court.

II. To oversee the historical fund established under RSA 177:8.

III. To research and record the history, background, and achievements of the general court.

IV. To accept and expend funds appropriated by the general court or received from any other source for the purposes authorized by this chapter.

V. To administer and enforce the collections policy established by the committee created in 1990, 41:1, for objects of historical, cultural, or artistic value, and recommend legislation as needed to implement this policy.

VI. To maintain a descriptive inventory and photographic collection of objects of historical, cultural, or artistic value owned by the state, using current best practices.

VII. To provide guidelines to all branches of state government relative to the acquisition, disposal, care, and interpretation of historical, cultural, and artistic objects.

VIII. To cooperate with other New Hampshire institutions and collecting agencies relative to the acquisition, disposal, care, and interpretation of historical, cultural, and artistic objects.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill reinstates the joint legislative historical committee. The bill also expands the duties of the joint legislative historical committee to include the duties of the state heritage collections committee, which is scheduled to be repealed on June 30, 2011 pursuant to 2009, 144:87.

HB 190, relative to legislative study committees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gladys Johnsen for Legislative Administration: This legislation limits membership of study committees established by the General Court to members of the legislative unit. In addition to the electronic filing all other reporting requirements shall be met. Vote 12-2.

Amendment (0460h)

Amend RSA 14:49, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The chairman of a study committee established by the general court shall, in addition to any other reporting requirements, electronically file the final report with the clerk of the house of representatives or clerk of the senate, and the clerks of the respective bodies shall post the report on the general court website.

AMENDED ANALYSIS

This bill limits membership on any study committee established by the general court to members of the general court only and requires chairmen to electronically file the committee's final report with the clerk of the house of representatives or senate, in addition to any other reporting requirements.

HB 520-FN, requiring certain bills to have performance standard notes. **OUGHT TO PASS.**

Rep. Brendon S. Browne for Legislative Administration: This bill requires the legislative budget assistant to prepare a fiscal note for any bill changing expenditures of the state by more than \$1,000,000. The performance standards note shall include a description of the measurable outcomes, positive and negative, if the bill passes. The committee believes that, like any good business plan, the legislature should know before it expends any money on a program how that program will define success. We believe that this bill will allow us to better identify what programs are successful, and which are not. Vote 12-1.

HB 66, relative to assessment of the land use change tax on cluster or condominium developments. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Coffey for Municipal and County Government: The purpose of HB 66 was to change the effective date of HB 424 from July 1, 2009 back to 2007 when the supreme court altered the method in which the land use change tax is calculated on cluster or condominium development. After considering all the testimony, the committee had serious concerns with a retroactive bill. Vote 16-0.

HB 144, repealing the authorization for energy efficiency and clean energy districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin W. Sterling for Municipal and County Government: This bill, as amended, changes the manner in which clean energy districts created under RSA 53-F are funded. The amended bill removes as a funding source general revenue funds and general obligation bonds for energy conservation improvements and as a source of funds for the required loan loss reserve account. Further the proposed legislation removes the priority lien position of clean energy fund loans, a condition that has been contentious with mortgage lending institutions. The proposed changes will remove the liability of the PACE program from the municipalities' general fund revenues while still preserving the clean energy initiative. Vote 15-0.

Amendment (0528h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to energy efficiency and clean energy districts.

Amend the bill by replacing all after the enacting clause with the following:

1 Municipal Revenue Bonds; Definitions. Amend RSA 33-B:1, VI to read as follows:

VI. "Revenue-producing facilities" means water works, broadband infrastructure as defined in RSA 38:38, I(e), purchased or constructed in areas not served by an existing broadband carrier or provider, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of electricity or gas ~~and~~, any other real or personal property or interests in a municipality or regional water district owned or controlled by the municipality or regional water district, from the operation of which revenues are or are expected to be derived by the municipality, or regional water district, *and qualifying energy conservation and clean energy improvements for which a municipality provides financing pursuant to RSA 53-F.*

2 Energy Efficiency and Clean Energy Districts; Authority. Amend RSA 53-F:3, I-II to read as follows:

I. Incur debt for the purpose of providing financing to property owners within the district, including through issuance of municipal *revenue* bonds, Qualified Energy Conservation Bonds or Clean Renewable Energy Bonds. Any such debt ~~[shall constitute a pledge of the municipality's full faith and credit]~~ *may be secured by a pledge of revenues, moneys, rights, and proceeds under this chapter*, and except as may be otherwise provided in this chapter, shall be subject to the provisions of RSA 33 and RSA 33-B.

II. Establish a revolving fund pursuant to RSA 31:95-h using ~~[general municipal revenues; bond funds;]~~ federal Energy Efficiency and Conservation Block Grant funds, or grant funds from any federal, state, private, or other source~~[- provided that the use of general municipal revenues shall be pursuant to an appropriation by special warrant article in accordance with RSA 32 and the municipality's appropriation procedures].~~

3 Energy Efficiency and Clean Energy Districts; Financing Terms. Amend RSA 53-F:7, II to read as follows:

II. A municipality that provides financing to participating property owners shall establish a loss reserve account and maintain funds in such account at a level that meets generally accepted standards for property-assessed clean energy finance programs. *Funds in a loss reserve account shall not be provided from general municipal revenues*

4 Definition; Special Assessment. Amend RSA 53-F:1, VI to read as follows:

VI. "Special assessment" means a special assessment within the meaning and subject to the provisions of RSA 80:19, *except as provide in RSA 53-F:8.*

5 Risk of Enforcement of Special Assessment Liens. Amend RSA 53-F:4, II to read as follows:

II. The municipality shall disclose to participating property owners the risks associated with participating in the program, including risks related to their failure to make payments and the risk of enforcement of property tax or special assessment liens under RSA ~~[80:19]~~ *53-F:8.*

6 Priority, Collection, and Enforcement. Amend RSA 53-F:8 to read as follows:

53-F:8 Priority; Collection and Enforcement. Collection of assessments under this chapter shall be made by the tax collector or other official responsible for property tax or municipal service charge collection. A municipality shall commit bills for amounts due on the assessments, including interest and any charges, to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. *Each year* bills for amounts due on the assessments shall coincide with bills for property taxes or municipal service charges [and]. *Each assessment on the property of a participating property owner* shall create a lien on the property pursuant to RSA 80:19, *except that the lien shall be junior to existing liens of record at the time the bill for the assessment is mailed to the participating property owner.* Enforcement powers for nonpayment shall be those provided under RSA 80 relative to property tax collection, including RSA 80:19; *provided, however, a tax sale of the property shall not extinguish prior liens of record.* At the time of enforcement, only the past due balances of the assessment under this chapter, including all interest, charges, and penalties, shall be due for payment. Notwithstanding any other provision of law, in the event of a transfer of property ownership through foreclosure [~~collection by the municipality shall be limited to any past due balances and future payments shall neither be accelerated nor extinguished by foreclosure~~] *or a sheriff's sale by a senior lienor, the lien of the municipality shall be extinguished.* Payment of a past due balance from the loss reserve established under this chapter shall not relieve a participating property owner from the obligation to pay that amount.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes that financing for participating property owners in energy efficiency and clean energy districts may be provided through issuance of municipal revenue bonds but not from general municipal revenues.

This bill also removes the priority lien provision for loans made by energy efficiency and clean energy districts under RSA 53-F.

HB 205-FN, relative to notice to owners of upstream dams. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: In 2010, an amendment to RSA 676:4, I(d) was enacted to require notification of upstream dam owners whenever a “near” development was proposed. There was difficulty in verifying the owners of the dams due to perceived homeland security issues. HB 205 was introduced to deal with those issues. The amendment clarifies that “near” is defined by any structure that will be within 500 feet of the top of the bank of any river or stream and now requires notification to the department of environmental services who will notify the upstream dam owners. Vote 15-0.

Amendment (0521h)

Amend the bill by replacing section 2 with the following:

2 Board’s Procedure on Plats; Notice to Upstream Dam Owners. Amend RSA 676:4, I(d) to read as follows:

(d) Notice to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, [~~upstream dam owners;~~] the department of environmental services dam bureau, and the public shall be given as follows: The planning board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by certified mail of the date upon which the application will be formally submitted to the board. For those proposals [~~near rivers and streams~~] *in which any structure would be within 500 feet of the top bank of any river or stream* and downstream of a dam, the planning board shall also notify [~~the owners of the upstream dam and~~] the department of environmental services dam bureau by certified mail. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be

required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing.

HB 338, allowing towns and cities to exempt farm buildings and structures from property taxation. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Burt for Municipal and County Government: The committee feels that there are already avenues to address this problem. For decades, the New Hampshire legislature has been concerned with the decline of agriculture in the state and the loss of agricultural land to encroaching development. In response, statutes to preserve and protect agriculture have been enacted, including current use property taxation, RSA Chapter 79-A, and the "Right to Farm Law," RSA Chapter 432. RSA 79-F Current use assessment, provides a property tax incentive to all qualifying landowners who agree to maintain their land in an undeveloped condition. This assessment is based on the capacity of the land to produce income in its current uses whether it is managed farm or forest, or managed open space. Current use is the cornerstone of the state's land conservation efforts, with over half the land in New Hampshire enrolled in this valuable program. RSA Chapter 432 protects agricultural operations against claims of public nuisance or private nuisance when operations are conducted in compliance with state and local health and safety regulations. Several statutes afford advantageous property tax treatment to agriculture. The legislature has also been encouraging agriculture through amendments to the zoning and planning enabling legislation. Vote 15-0.

HB 358, relative to the maintenance, repair, and preservation of burial grounds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M. Stroud for Municipal and County Government: The preservation of our historic burial grounds enhances our towns and communities. This bill establishes procedures for maintenance, repair and preservation of these grounds by volunteers who wish to take up this important work. Vote 15-0.

Amendment (0366h)

Amend RSA 289:14-a, III as inserted by section 2 of the bill by replacing it with the following:

III. Any city, town, or public body shall be immune from civil liability in any action brought on the basis of any act or omission by any person who voluntarily and without compensation undertakes to maintain or to repair any burying ground.

Amend RSA 289:14-a, V as inserted by section 2 of the bill by replacing it with the following:

V. After approval and notice required under RSA 635:6, II, any marker, gate, or other material removed for repair shall be stored and kept safely in a manner determined by the selectmen, town council, mayor, or cemetery trustees. Upon approval of the selectmen, town council, mayor, or cemetery trustees, a marker, gate, or other material deemed to be at risk of irreparable damage or loss may be placed permanently in a safe facility and the fact of its removal or replacement made visible in the cemetery or in public records.

HB 366, relative to the jurisdiction of counties concerning retail electric supply. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin W. Sterling for Municipal and County Government: This bill seeks to enhance the authority of the counties to "exercise the full jurisdiction" over public utilities (water and sewage disposal and treatment) that are essential to the safe operation of county buildings by including municipal electric utilities in the list of services enumerated in RSA 23:1. This bill further mandates that the municipal electric utilities within the county unbundle in direct opposition to RSA 38:34 which allows for the "voluntary" unbundling of their rates. No evidence as to the economies to be derived by the county nor any economic impact to the municipal electric utility was presented to the committee. Without such testimony and without compelling evidence as to the necessity of the mandate the committee voted to recommend ITL. Vote 15-0.

HB 367-L, relative to the election of county commissioners in Carroll County. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Coffey for Municipal and County Government: This bill changes the procedure for the election of the county commissioners in Carroll County from at large to the districts of

each commissioner. Based on the testimony provided, the committee did not find that there was a significant level of support within the county delegation to recommend the proposed change at this time. Vote 16-0.

HB 382, allowing municipalities discretion to raise and appropriate funds for cemetery fences. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert W. Moore for Municipal and County Government: This bill removes the requirement that municipalities maintain fences and gates surrounding municipal public cemeteries. Vote 15-0.

Amendment (0514h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the maintenance of municipal public cemeteries.

Amend RSA 289:4 as inserted by section 1 of the bill by replacing it with the following:

289:4 Maintenance. Every municipality shall raise and appropriate sufficient funds, by taxation or otherwise, to provide for the suitable care and maintenance of the municipal public cemeteries within its boundaries which are not otherwise provided for *by an alternative funding source* [~~and to provide and maintain around all such cemeteries a good and sufficient fence, and to supply the fence with necessary gates~~]. Every municipality may raise and appropriate annually a sufficient sum to provide for the suitable care and maintenance of deserted burial grounds and cemeteries which have been declared abandoned in accordance with RSA 289:19-21.

AMENDED ANALYSIS

This bill removes the requirement that municipalities maintain sufficient fencing and gates surrounding municipal public cemeteries.

HB 393, repealing the authority for the establishment of certain revolving funds by towns. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: This bill would remove the ability of a town to use revolving funds as a budgeting tool and force them to estimate expenses and revenues for the upcoming year at an annual meeting without knowing what needs may arise during the year. It would tie the town to a gross budget without the ability to take in and expend funds that have no tax impact. More than that, it would dissolve existing funds in trust that townspeople have put aside and return them to the general fund for a one year reduction in taxes which could not be repeated in the next year and would mandate new appropriations for the revolving funds purposes. Vote 16-0.

HB 521, relative to meeting dates for county conventions. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: The county convention convening time for organization and public hearing on budget estimates is covered in RSA 24:23 and RSA 24:9-a. There is no conflict except in the fifth meeting dates of the even numbered years, i.e., 2010, 2020. This amendment will fix the conflict by changing "not earlier than 10 days" to "not earlier than 5 days." The committee noted that it was a small change but necessary to correct the conflict. Vote 15-0.

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Burt for Municipal and County Government: This bill clarifies the ability of the owner of real property that is placed in trust to qualify for exemptions or tax credits. Vote 16-0.

Amendment (0470h)

Amend RSA 72:29, VI as inserted by section 1 of the bill by replacing it with the following:

VI. For purposes of RSA 72:28, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, 37-b, 38-a, 39-a, 62, 66, and 70, the ownership of real estate, as expressed by such words as "owner," "owned" or "own," shall include those *who have placed their property in a grantor/revocable trust or* who have equitable title or the beneficial interest for life in the subject property.

AMENDED ANALYSIS

This bill clarifies the ability of the owner of real property whose property is placed in a grantor/revocable trust to qualify for exemptions or tax credits.

HB 594, relative to the application of procedures for discharge or suspension from county employment. **OUGHT TO PASS.**

Rep. Stephen T. DeStefano for Municipal and County Government: This bill provides, under RSA 28:10a, the procedures for discharge or suspension from employment by county government. This bill does not apply to per diem, on call, seasonal, part time or employees under a union contract. Vote 15-0.

HB 622, relative to adjustments to the semi-annual collection of property taxes in towns and cities.
OUGHT TO PASS WITH AMENDMENT.

Rep. Betsey L. Patten for Municipal and County Government: When the statewide education property tax went into effect in 1999, the municipalities were allowed to make an adjustment in their June estimated tax bills to smooth out tax bills that would otherwise increase when the statewide education property tax went into effect. This legislation would again allow this possibility for adjustment and include it permanently in RSA 198:41. The effect of HB 622 would help those cities and towns deal with either an increase or decrease change in the amounts excess tax amounts or grants if the statewide property tax continues as it is calculated currently. The committee recommendation will help the local taxpayers plan for any increases or decreases in their tax bills. Vote 16-0.

Amendment (0487h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Semi-annual Rate Adjustments for Adequate Education Grants or Excess Tax Amounts. Amend RSA 76:15-a by inserting after paragraph II the following new paragraph:

III.(a) Notwithstanding the provisions of paragraphs I and II, any municipality affected by a change in adequate education grants or excess tax amounts, determined pursuant to RSA 198:41, may apply to the commissioner of revenue administration on forms prescribed by the commissioner to adjust the 1/2 of the previous year's tax rate by an amount sufficient to collect 1/2 of the estimated increase or decrease in the local school tax resulting from the change.

(b) The department of education shall certify, no later than November 15, to the commissioner of the department of revenue administration the difference in the amount of the adequate education grants and excess tax amounts between the current fiscal year and the forthcoming fiscal year for every municipality.

(c) Any municipality requesting an adjusted rate for the semi-annual bill shall submit such request to the commissioner of the department of revenue administration by April 1 prior to the issuance of the semi-annual bill.

2 New Paragraph; Quarterly Rate Adjustments for Adequate Education Grants or Excess Tax Amounts. Amend RSA 76:15-aa by inserting after paragraph IV the following new paragraph:

V.(a) Notwithstanding the provisions of paragraphs II and III, any municipality with quarterly billing affected by a change in adequate education grants or excess tax amounts, determined pursuant to RSA 198:41, may apply to the commissioner of revenue administration on forms prescribed by the commissioner to adjust the 1/4 of the previous year's tax rate by an amount sufficient to collect 1/4 of the estimated increase or decrease in the July and October quarterly bills in local school tax resulting from the change.

(b) The department of education shall certify, no later than November 15, to the commissioner of the department of revenue administration the difference in the amount of the adequate education grants and excess tax amounts between the current fiscal year and the forthcoming fiscal year for every municipality.

(c) Any municipality requesting an adjusted rate for the quarterly bills shall submit such request to the commissioner of the department of revenue administration by April 1 prior to the issuance of the July and October quarterly bills.

(d) The department of revenue administration shall expedite certified adjusted rate applications.

3 Rate Adjustments for Fiscal Year 2011. On the effective date of this act, the department of education shall certify to the commissioner of the department of revenue administration the difference in the amount of the adequate education grants between the 2011 fiscal year and the 2012 fiscal year for every municipality. The department of revenue administration shall expedite certified adjusted rate applications in accordance with RSA 76:15-a, III and RSA 76:15-aa, V.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows for the adjustment in the method of calculating the partial payment of taxes related to an increase or decrease in local education taxes resulting from a change to the town's or city's adequate education grant or excess tax amount. The changes applies to both semi-annual and quarterly collection of taxes.

HB 639-FN-L, requiring impact studies for large-scale retail development. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry Accornero for Municipal and County Government: This bill creates a set of study criteria dictated by the state, which is overseen by the local planning board. It also requires the office of energy and planning to act as a holder of funds to pay for the study and even notes how much money should be sent to the state to hold. Who knows if that amount of money would be enough for such a study? Noting a specific dollar amount in a statute makes no sense. Vote 15-0.

HB 477-FN, relative to the classification of certain highways in the town of Farmington. **INEXPEDIENT TO LEGISLATE.**

Rep. Edwin O. Smith for Public Works and Highways: The town of Farmington established a new policy for posting load limits on roads in the spring creating a problem for some of neighboring towns. The state agreed to swap road maintenance from one road to another to help solve the problem; however Farmington will not accept maintenance of any bridges on either road so the state would continue to maintain all bridges. The committee can understand the problem for the neighboring towns. However, the precedent established by posting roads to avoid maintenance of bridges and roads could encourage other towns to do the same thing. Vote 14-0.

HB 507-FN, requiring the department of transportation to establish a storage depot for storing historic bridge parts. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill, as introduced, would require the department of transportation to establish a storage area for historic bridge parts in the city of Concord. The sponsor brought forward an amendment that would allow the DOT to locate this storage area any where in the state. Either option would increase costs to the department. Additionally, under existing federal and state regulations governing historic bridges, the DOT currently stores these parts around the state in the hope that a municipality or a private entity will purchase them. Given these considerations, the committee recommends that the bill be found ITL. Vote 12-0.

HB 531, relative to uniformed presence officers in highway work zones. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill would set the amount that the commissioner of the department of transportation could pay uniformed officers on a work site at 150% of the pay flaggers would receive for the same job. The committee heard testimony that the DOT evaluated, on the basis of public safety, the need for uniformed officers or the use of flaggers on each job. Additionally, the bill as written would not affect municipal requirements that uniformed officers be utilized during work on town or city streets. While sympathetic to the intent of the sponsors to reduce costs to DOT projects, the committee felt safety issues were of paramount importance and that the bill would do nothing to solve any perceived problems with municipalities charging excessive fees to developers or utilities. An ad hoc committee will be established to seek ways to improve the existing situation, especially as it deals with local government entities. Vote 14-1.

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edwin O. Smith for Public Works and Highways: The committee heard testimony from the Town of Plaistow and NH DOT both in support of this legislation. This eliminates a bad intersection and all of the parties affected agree with this solution. The amendment removes any mention of maintenance as this is typically done by agreement between the town or city and DOT, so this would put maintenance into statute and the committee did not want to start that practice. Vote 12-0.

Amendment (0425h)

Amend the bill by replacing section 1 with the following:

1 Haseltine Street in the Town of Plaistow; Portion of NH 121A in Plaistow; Reclassification.

I. Haseltine Street in the town of Plaistow shall be reclassified as a class II highway and shall be renamed NH 121A.

II. The portion of NH 121A (Main Street) in the town of Plaistow, from the intersection with Haseltine Street to the Massachusetts state line, shall be reclassified as a Class V highway.

HB 583, relative to including projected sea level rise in planning and implementation of state-funded projects. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: In many respects this bill is similar to HB 584 that the House found ITL on March 2, 2011. As introduced, the bill mandates that projected sea levels “shall” be included in the permitting, siting and construction of state funded projects. The committee did consider changing the “shall” to “may.” However, the committee felt that even this change would not make the bill workable or necessary at this time. Vote 14-1.

HB 603, prohibiting public works projects and natural formations from being named in honor of any living elected official. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: This bill, as amended, prohibits naming state-controlled facilities after elected or formerly elected officials during their lifetime. A similar bill passed the House six years ago, but was defeated in the Senate. The committee believes naming state facilities after political figures is more appropriate when done posthumously. Vote 13-2.

Amendment (0256h)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official.

Amend RSA 4:43, IV as inserted by section 1 of the bill by replacing it with the following:

IV. No public works projects or natural formations under the control of the state shall be named in honor of any living elected, or formerly elected, official.

AMENDED ANALYSIS

This bill prohibits public works projects and natural formations under control of the state from being named in honor of any living elected, or formerly elected, official.

HB 27, relative to de minimis impact work in designated rivers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill amends the New Hampshire rivers management and protection program (RSA 483) making recommended changes found during river bill hearings. The changes are: (1) Requires the nominating party to give written notice to all riparian landowners of their intent. (2) When a designated river is protected, any protected tributary river shall be in a subparagraph under main stem. (3) Permanent alterations of de minimis impact work may be done. (4) Spells out protection criteria in evaluation process, including public water supply. (5) Extends an exemption for septage and sludge land application restriction. Exemption has been in effect since 1998. Vote 13-1.

Amendment (0532h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.

Amend the bill by replacing all after the enacting clause with the following:

1 New Hampshire Rivers Management and Protection Program; Nominations; Criteria. Amend RSA 483:6, I to read as follows:

I. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to the rivers coordinator on or before June 1 in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, hydropower generation, buildings, and other manmade structures; riparian interests and public water

supply, including flowage rights known by the nominating individual or group, and other pertinent instream and riverbank and tributary drainage area information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. The department shall encourage the nominating party to include tributary drainage area information in the nomination. The nominating party shall advertise the meeting in cooperation with the rivers coordinator and shall give written notice to *riparian landowners and* the governing body of any municipality where segments of the river are located. The rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

2 New Paragraph; River Classification Program; Management. Amend RSA 483:7-a by inserting after paragraph II the following new paragraph:

III. A designated river and its tributary drainage area rivers that are subsequently designated shall be listed in the same paragraph in RSA 483:15. Each tributary river shall be named in a subparagraph under the main stem, and designated segments of each tributary shall be listed as further subparagraphs under each tributary.

3 Natural Rivers Protection. RSA 483:9, III(b) is repealed and reenacted to read as follows:

(b) Permanent alterations in conjunction with the repair or maintenance of a bridge, road, or riprap which is in place at the time a river or segment is designated which have only de minimis impact to or restore the channel's geomorphic characteristics.

4 Establishment of Protected Instream Flows. Amend RSA 483:9-c, I to read as follows:

I. The commissioner, in consultation with the advisory committee, shall adopt rules under RSA 541-A specifying the standards, criteria, and procedures by which a protected instream flow shall be established and enforced for each designated river or segment. Each protected instream flow shall be established and enforced to maintain water for instream public uses and to protect *outstanding characteristics, including recreational, fisheries, wildlife, environmental, hydropower, cultural, historical, archaeological, scientific, ecological, aesthetic, community significance, agricultural, public water supply, and* the resources for which the river or segment is designated, and shall respect riparian interests on each designated river or segment consistent with the purposes of this chapter. Instream public uses shall include the state's interests in surface waters, including, but not limited to, navigation; recreation; fishing; storage; conservation; maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; aesthetic beauty; and hydroelectric energy production.

5 Temporary Use Authorization; Time Extended. Amend 1998, 56:6 as amended by 2003, 43:14, 2003, 302:3, 2005, 141:2, and 2007, 287:1 to read as follows:

Temporary Use Authorization. The septage and sludge land application restrictions contained in RSA 483:9, VI(c), RSA 483:9-a, VII(b), RSA 483:9-aa, VII(b), and RSA 483:9-b, VII(b) shall not apply until January 1, [2012] **2017** to any land upon which septage or sludge has been spread in accordance with all applicable rules adopted by the federal Environmental Protection Agency and the New Hampshire department of environmental services, during any portion of the 3-year period prior to January 1, 1998. In addition, there shall be no termination of this restriction exemption for qualifying land that is used for scientific research on septage or sludge. Any continued application of septage and sludge pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Permits the commissioner of the department of environmental services to approve certain permanent alterations which have de minimis impact to or restore a channel's geomorphic characteristics.

II. Requires tributaries and segments of rivers designated for protection to be listed in the same paragraph.

III. Extends the time before septage and sludge land application restrictions apply.

HB 33, relative to the preservation and care of the Franconia Notch forest reservation and memorial park. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter S. Bolster for Resources, Recreation and Development: This bill provides for protection and recognition of the War Memorial at Franconia State Park and other memorials, graves and historic sites throughout the state park system. It also sets up a fund for private contributions to insure appropriate maintenance of the War Memorial at Profile Lake. Vote 14-0.

Amendment (0563h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the care of memorials in Franconia Notch state park.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Expansion of State Park System; Franconia Notch Forest Reservation and Memorial Park. Amend RSA 216-A by inserting after section 6-a the following new section:

216-A:6-b Franconia Notch Forest Reservation and Memorial Park.

I. The war memorials on the eastern shore of Profile Lake shall be undisturbed and maintained in a proper manner for viewing and visiting by veterans as defined in RSA 21:50 and the general public. Appropriate signage and recognition of the war memorial and the entire Franconia forest reserve, as dedicated to the men and women who have served our country in times of conflict shall be placed at the entrances to Franconia Notch state park as well as directional signs to the memorial site. Veterans groups may aid the division of parks and recreation in enhancing and maintaining the park, through programs such as the Adopt-a-Park program and by other means. Veterans, active duty members of the armed forces, and members of their immediate family accompanying them shall pay no fee to hike or bicycle the trails of the park.

II. In addition, no activity or lease in the state park system shall result in any disturbance of a burial site, memorial, or designated historic site, nor shall any lease provisions cause such sites to be restricted to the general public. Fees may be charged for the use of amenities, improvements, amusements, and special events. Nothing in this section shall prevent the division of parks and recreation or the department of resources and economic development, or any other state agency from exercising full supervisory and managerial responsibilities relative to the area known as the Franconia Notch state park and its surroundings.

III. The director of the division of parks and recreation may solicit, accept, and expend any gifts, grants, and donations for the purpose of maintaining the war memorials in accordance with this section.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes the standards of care for memorials and memorial sites in the Franconia Notch state park.

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: A segment of the Lamprey River has been in the rivers management protection program (RMPP) since 1996. HB 149 extends protection for the remaining segments of this river from its headwaters in Northwood to the tidal segment in Newmarket. This 87 plus miles of waterway are a major contribution to protecting the Great Bay Estuary (GBE). Along with additional protection by the Cocheco, Oyster, and Exeter Rivers, also in RMPP, it will greatly enhance the water quality of the GBE. This legislation puts not only the main stem of the Lamprey River into protection, but all five of its tributary rivers, making it the first complete river watershed protected in RMPP. During committee discussion, a concern was CSPA setbacks, being imposed on sections not presently under the act. This concern was answered with the amendment "exempting the first, second, and third order streams from the Comprehensive Shoreland Protection Act (CSPA) setbacks for the Lamprey River and its tributary rivers." Vote 14-0.

Amendment (0126h)

Amend the title of the bill by replacing it with the following:

AN ACT designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.

Amend RSA 483:15, I as inserted by section 1 of the bill by replacing it with the following:

I. Lamprey River and its watershed tributaries including: North Branch, Pawtuckaway, North, Little, and Picassic Rivers.

(a)(1) Lamprey River:

(A) As a rural river from immediately downstream of Meadow Lake Dam in Northwood to the confluence with the North Branch River in Raymond.

(B) As a rural-community river from the confluence with the North Branch River in Raymond to 0.9 miles downstream of the Langford Road crossing in Raymond.

(C) As a community river from 0.9 miles downstream of the Langford Road crossing in Raymond to 0.3 miles downstream of the Epping Street crossing in Raymond.

(D) As a rural-community river from 0.3 miles downstream of the Epping Street crossing in Raymond to the confluence with the Pawtuckaway River in Epping.

(E) As a community river from the confluence with the Pawtuckaway River in Epping to the downstream side of the New Hampshire Route 125 bridge in Epping.

(F) As a rural river from the downstream side of the New Hampshire Route 125 bridge in Epping to the Epping-Lee town line.

(G) As a rural river from the Epping-Lee town line to the Durham-Newmarket town line. Notwithstanding any other provisions of this chapter, the department of environmental services shall not approve the use of flashboards under RSA 482:29 to increase the height of any existing dam within this segment of the Lamprey River.

(H) As a community river from the Durham-Newmarket town line to 1.8 miles downstream of the MacCallen Dam in Newmarket.

(2) North Branch River - as a natural river from immediately downstream of the Beaver Pond Dam in Deerfield to the confluence with the Lamprey River in Raymond.

(3) Pawtuckaway River - as a rural river from immediately downstream of the Pawtuckaway Lake Dam in Nottingham to the confluence with the Lamprey River in Epping.

(4) North River - as a rural river from immediately downstream of the North River Pond Dam in Nottingham to the confluence with the Lamprey River in Epping.

(5) Little River - as a rural river from immediately downstream of the Mendum's Pond Dam in Nottingham to the confluence with the Lamprey River in Lee.

(6) Piscassic River:

(A) As a natural river from the headwaters 0.5 miles upstream of the Fremont-Brentwood town line to the upstream side of the Piscassic Ice Pond Dam in Newfields.

(B) As a rural-community river from the upstream side of the Piscassic Ice Pond Dam in Newfields to the downstream side of the Grant Road crossing in Newmarket.

(C) As a community river from the downstream side of the Grant Road crossing in Newmarket to the confluence with the Lamprey River in Newmarket.

(b) All 1st, 2nd, and 3rd order portions of the Lamprey River and its tributary rivers shall be exempt from the provisions of the comprehensive shoreland protection act, RSA 483-B.

AMENDED ANALYSIS

This bill designates segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers.

This bill also exempts certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.

HB 404, relative to toilets at campgrounds and exclusions for such requirements for certain parcels of land. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter S. Bolster for Resources, Recreation and Development: In the past, only flush toilets were permitted at campgrounds in the state. This bill permits the use of self-composting and incinerator toilets in all campgrounds, saving cost and creating a more environmentally friendly solution to this issue. Vote 14-0.

Amendment (0410h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to toilet facilities at recreational campgrounds or camping parks.

Amend the bill by replacing all after the enacting clause with the following:

1 Recreational Parks and Campgrounds; Disposal System. Amend RSA 216-I:4, III to read as follows:

III. Flush toilets or other approved toilet facilities, *such as self-composting toilets or incinerating toilets*, shall be provided in all recreational campgrounds or camping parks.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill includes self-composting toilets or incinerating toilets on the list of toilet facilities which may be provided in recreational campgrounds or camping parks.

HB 439-FN-L, relative to claiming an invasive species as a habitat. **OUGHT TO PASS.**

Rep. Harry C. Merrow for Resources, Recreation and Development: This bill prevents an invasive species from being protected as a habitat for an endangered species. This bill was introduced because a threatened specie of fish was found inhabiting milfoil. Milfoil is a real problem. Many of our lakes are seriously infected with milfoil and large sums of money are being spent to eradicate it. The last thing we need is to allow the overly strict application of the state endangered species act to prevent its eradication. Milfoil, if allowed to grow, will eliminate necessary oxygen in the water body and kill the fish anyway. It is unfortunate that this bill was necessary. Cooperation among agencies and a common sense application of existing and conflicting statutes on a case by case basis should have been sufficient. Vote 13-1.

HB 379, relative to late fees charged by utilities. **INEXPEDIENT TO LEGISLATE.**

Rep. William D. Panek for Science, Technology and Energy: This bill would change the way that utility companies would be able to bill their customers. The PUC determines the rate for late fees and oversees the utility billing process. The committee feels that the PUC properly monitors the utility companies and no further legislation is needed at this time. Vote 17-0.

HB 381, authorizing net metering for micro-combined heat and power systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank R. Holden for Science, Technology and Energy: As amended, this bill would add another eligible class of electrical generation to the net metering law. Micro-combined heat and power (micro-CHP) systems would become eligible provided that the primary purpose of the system is the production of heat and certain system efficiency goals are met. The surplus electrical power would then flow into the electrical grid, offsetting that customer's electrical usage. Customers that use these systems would use less energy overall to heat and power their house or building. An additional benefit is distributed generation which could potentially reduce the need for electrical distribution infrastructure upgrades by locating generation closer to the load. Vote 17-0.

Amendment (0740h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definitions. Amend RSA 362-A:1-a by inserting after paragraph I-c the following new paragraph:

I-d. "Combined heat and power system" means a new system installed after July 1, 2011, that produces heat and electricity from one fuel input using an eligible fuel, without restriction to generating technology, has an electric generating capacity rating of at least one kilowatt and not more than 30 kilowatts and a fuel system efficiency of not less than 80 percent in the production of heat and electricity, or has an electric generating capacity greater than 30 kilowatts and not more than one megawatt and a fuel system efficiency of not less than 65 percent in the production of heat and electricity. Fuel system efficiency shall be measured as usable thermal and electrical output in BTUs divided by fuel input in BTUs.

2 Definitions. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns or operates *an* electrical generating ~~[facilities]~~ *facility either* powered by renewable energy *or which employs a heat led combined heat and power system*, with a total peak generating capacity of not more than 100 kilowatts, or that first begins operation after July 1, 2010 and has a total peak generating capacity of 100 kilowatts or more up to one megawatt, that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used in the first instance to offset the customer's own electricity requirements.

II-c. "*Eligible fuel*" means *natural gas, propane, hydrogen, heating oil when combusted with a burner, or other fuel approved by the department of environmental services, through rules adopted under RSA 541-A, including air emission standards for the device using the approved fuel.*

II-d. "*Heat led*" means *that the combined heat and power system is operated in a manner to satisfy the heat usage needs of the customer-generator.*

3 Effective date. This act shall take effect on July 1, 2011.

HB 402-L, relative to the authority of the department of environmental services to determine whether outdoor wood-fired hydronic heaters violate air quality emission limits. **INEXPEDIENT TO LEGISLATE.**

Rep. William D. Panek for Science, Technology and Energy: This bill arises from a particular case in Claremont of an outdoor wood-fired hydronic heater (OWHH) creating a public nuisance and possibly a health hazard. The law currently states "If the owner or operator of an outdoor wood-fired hydronic heater (OWHH), as defined under RSA 125-R, operates the OWHH in a manner which causes a nuisance or is injurious to the public health, the health officers may, in writing, order that use of the OWHH be discontinued." (RSA 147:16b). The statute already addresses this problem. The committee therefore recommends ITL. Vote 14-0.

HB 559, establishing a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses and authorizing the development of a solar photovoltaic renewable energy project in Manchester. **INEXPEDIENT TO LEGISLATE.** Rep. Frank R. Holden for Science, Technology and Energy: This bill, as written would have established a study committee regarding small scale renewable energy, but that study committee was already created by legislation in 2010 and filed its report in November. The bill also dealt with authorizing the development of a solar photovoltaic (PV) project in Manchester between the City of Manchester and Public Service Company of New Hampshire (PSNH). PSNH testified that they were not interested in being part of this project and did not want to be included in this bill. So, with the study already completed and PSNH not interested, this bill is not needed. After the hearing, the committee facilitated discussions between the bill sponsors and the renewable energy division of the public utilities commission to explore possible clean energy grant opportunities from existing programs. Vote 15-0.

HB 608, establishing a committee to study the health and environmental effects of using industrial-grade silicofluorides and industrial-grade sodium fluoride for water fluoridation in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Holden for Science, Technology and Energy: There already is a voluminous body of work regarding fluoride in municipal water supplies. We believe that establishing a special committee to study this further is unlikely to clarify the issue. Furthermore, addition of fluoride to public water supplies is a decision made at the local level. Vote 14-0.

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. **OUGHT TO PASS.**

Rep. Lynne M. Ober for Special Committee on Education Funding Reform: This bill provides a method for school districts, who already have approved budgets, to make an adjustment. The cycle of the legislature is not in sync with budgeting cycles for towns and municipalities that have chosen to use SB 2 budgeting, i.e. with a budget committee, public hearing, deliberative session and voting. As a result, when the legislature changes school funding, these towns cannot under state law change their gross budgets without repeating the process. HB 650 provides a legal mechanism for towns and municipalities operating under the Municipal Budget Act to change their budgets. For purposes only of adequate education funding changes, a town may call one additional deliberative and voting session. This allows towns and municipalities that must budget not only gross expenditures, but also gross revenues, to have an opportunity to make changes to both revenues and expenses as they relate to adequate education. In cases where additional revenues are received from the state, this will allow a school district to accept the additional revenues thus reducing the tax burden on local residents. Vote 14-0.

HB 360-FN, establishing a state defined contribution retirement plan for state and political subdivision members of the retirement system and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. **INEXPEDIENT TO LEGISLATE.** Rep. Kevin A. Avar for Special Committee on Public Employee Pensions Reform: There are two other bills in committee that establish a study committee to report back by November 1, 2011. Vote 12-0.

HB 456-FN, relative to the calculation of average final compensation for the purpose of determining retirement system benefits. **INEXPEDIENT TO LEGISLATE.**

Rep. Seth Cohn for Special Committee on Public Employee Pensions Reform: This bill would have used the entire span of an employee's creditable service, rather than the last three years for calculating an average compensation. The committee has retained a similar bill (HB 465) which would use the last five years, for consideration as part of the overall reform process. Vote 11-0.

HB 492-FN, establishing a deferred retirement option in the judicial retirement plan, and relative to benefits related to service of certain judges of probate retiring because of permanent disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward P. Moran for Special Committee on Public Employee Pensions Reform: This bill would establish a deferred retirement option in the judicial retirement plan. It also includes provisions for benefits related to the service of certain judges of probate retiring because of permanent disability. Information that the bill would allow judges with seven years service to retire at 45% of salary was determinative. The funds would be drawn from the judicial retirement plan, and the committee concern was the high probability that these rates of payout would progressively impair the resources of the fund. Vote 10-0.

HCR 8, urging the Transportation Security Administration to terminate recent changes to pat down search procedures and urging Congress and the President to change or discontinue the use of advanced imaging technology at airports. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven L. Cunningham for State-Federal Relations and Veterans Affairs: This bill is remarkably similar to another bill and what little subject matter that the committee found to be unique was incorporated into the aforementioned bill. Vote 13-0.

HCR 10, urging the National Park Service to permit the exhumation of the body of Meriwether Lewis to determine the cause of his death. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel J. Tamburello for State-Federal Relations and Veterans Affairs: The intent of this resolution is to ask the national park service to investigate further the cause of death of American hero Meriwether Lewis. While noble in its intent, the resolution is outside the scope and responsibility of the state of New Hampshire, and the committee further felt that living relatives had primary authority for asking such a measure be taken, if in fact, there were any controversy regarding the death of Lewis. Vote 13-0.

HCR 14, applying to Congress to convene a convention proposing amendments to the United States Constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert P. Kingsbury for State-Federal Relations and Veterans Affairs: An article five convention is no guarantee on other states. There is every possibility of an article five convention being a runaway convention. With no guarantees the committee recommends ITL. Vote 12-0.

HCR 16, urging the prohibition of enforcing a particular federal executive order. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucien A. Vita for State-Federal Relations and Veterans Affairs: The committee, in reviewing HCR 15 and HCR 16, determined that the subject matter of the two resolutions was sufficiently related to allow both resolutions to be combined into one. Consequently, two paragraphs were extracted from HCR 16 and added to HCR 15, improving HCR 15 and making HCR 16 redundant. Vote 11-0.

HB 134, relative to eligibility for walking disability plates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lisa E. Scentsas for Transportation: This bill allows a veteran or a person with a permanent disability after satisfying proof of a walking disability, to be excused from resubmitting proof for plates every five years. Vote 13-0.

Amendment (0137h)

Amend the bill by replacing section 1 with the following:

1 Walking Disability Plates; Proof of Disability. Amend RSA 261:88, III to read as follows:

III. An applicant for such special plates shall furnish the director with satisfactory proof, as the director may require, that the applicant meets the requirements of paragraph II. Such proof must be submitted every 5 years except in the case of a veteran who has been evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from service-connected disability. [Such] Proof *submitted by a veteran with a service-connected disability* shall only have to be made upon initial application. Satisfactory proof of a walking disability, at a minimum, shall consist of the certification of a licensed physician, podiatrist, or advanced practice registered nurse that the applicant has a walking disability, as defined in paragraph I. Upon request and for the fee set forth in RSA 261:75, I, the director shall exchange special plates for regular plates currently issued to an applicant who qualifies for special plates. *Upon satisfactory proof, as the director may*

require, that the walking disability of an applicant for special plates is likely to be permanent, the director may excuse an applicant from the requirement that proof be submitted every 5 years, or may reduce the frequency with which proof must be submitted.

AMENDED ANALYSIS

This bill authorizes the director of the division of motor vehicles to exempt persons with permanent disabilities from having to resubmit proof of eligibility for walking disability plates every 5 years.

HB 271-FN-A, establishing number plates for firefighters and emergency medical care providers. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa E. Scontos for Transportation: This bill will be covered under the multi-plate bill (HB 335) and is not necessary. Vote 13-0.

HB 397, relative to image display devices in motor vehicles. **OUGHT TO PASS.**

Rep. Richard W. Hinch for Transportation: This bill replaces the prohibition on televisions in motor vehicles with a prohibition on image display devices, as defined in the bill. The committee was unanimous in its opinion that technology has advanced to a point whereby utilization of a split screen technology has appropriately addressed prior concerns regarding distracted driver/safety issues. These innovations help to prevent accidents or reduce their impact. Vote 13-0.

HB 516-FN-A, establishing Red Sox number plates to benefit the Children's Hospital at Dartmouth. **INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl for Transportation: This is one of the many license plate bills that the transportation committee considered this year. We recommend a multi-use plate bill (HB 335) that all these plate bills could take advantage of. Vote 14-0.

HB 548, relative to boater safety education and relative to the minimum age for operation of motorized vessels. **OUGHT TO PASS.**

Rep. Richard W. Hinch for Transportation: This bill expands the safe boater education certificate requirement to the operation of all motorized vessels. It allows persons 12 years of age and older to obtain safe boater education certificates and further, it modifies the minimum age for operation restrictions for motorized vessels. This bill was requested and supported by the department of safety. The committee was unanimous in its support for family enjoyment of our public waterways and providing an avenue for youth operation of vessels with appropriate certification or supervision. Vote 14-0.

HB 610-FN-A, establishing number plates supporting New Hampshire public higher education. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa E. Scontos for Transportation: This bill is not needed because this committee has already passed a bill that deals with this and many other plate ideas by having a multi-use plate at no expense to the taxpayers. Vote 14-0.

CACR 10, relating to establishing a New Hampshire state reserve fund. Providing that the New Hampshire state reserve fund shall be under the authority of the state treasurer and dedicated to offset the business profits tax, business enterprise tax, and the interest and dividends tax for purposes of lowering the rates of such taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F. Abrami for Ways and Means: This bill would establish a New Hampshire state reserve fund. To do so would require a constitutional amendment. The fund shall consist of 10 percent of the balance of the revenue stabilization reserve account, which shall be transferred to this state reserve fund at the close of each fiscal year, any other appropriation which may be made by the general court of surplus funds from the operating budget for the prior fiscal year, and any other type of public or private donations. The concept is that balance of this fund, being managed by the state treasurer, would grow over the years to the point in which there would be enough interest and dividend income generated to help fund state operations and allowing a lowering of taxes in those future years. The committee found this idea intriguing but unanimously felt, as a practical matter, this approach to funding future obligation to be unworkable. Vote 19-0.

HB 157-FN-A, repealing the tax on gambling winnings. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan W. Almy for Ways and Means: This bill is recommended as ITL because the majority of the committee preferred to amend HB 229 and use it as the vehicle to repeal the tax on gambling winnings. Both bills were filed to stop the drain on lottery instant ticket sales and on the much smaller

simulcast, bingo and games of chance revenues. The tax is almost impossible to administer in this state except as a tax on winnings without regard to losses. This costs professional gamblers more than they make, and both in- and out-of-staters have taken their business elsewhere. The committee received testimony from the lottery commission that repeal will likely bring in more than the state has gained from the tax by at least \$1 million per year, but that number could well increase if the commission is successful in attracting lost business back to the state. Vote 19-0.

HB 201-FN-A, establishing deductions from the tax on gambling winnings, the business profits tax, and the business enterprise tax for gambling losses. **INEXPEDIENT TO LEGISLATE.**
Rep. Bill Ohm for Ways and Means: This bill establishes deductions of gambling losses from gambling winnings before the tax on gambling winnings is applied. However, the sponsor prefers passage of HB 229-FN-A, which repeals the tax on gambling winnings. Since the committee is recommending passage of HB 229-FN-A which repeals the gambling tax, this bill is no longer needed. Vote 19-0.

HB 243, enabling towns and cities to establish a local revenue option as an alternative to property taxation for the funding of local government costs. **INEXPEDIENT TO LEGISLATE.**
Rep. Gary S. Azarian for Ways and Means: The committee was unanimous in reaching the conclusion that enabling towns and cities to establish a local revenue option such as a local sales tax or income tax as an alternative to property taxation for funding of their local government costs had little merit and may be unconstitutional. Vote 19-0.

HB 579, exempting department of revenue administration guidelines from the right-to-know law. **OUGHT TO PASS.**

Rep. Susan W. Almy for Ways and Means: This bill was put in to enact an agreement among the department of revenue administration, the legislative budget office, and the attorney general's office which makes it possible to go forward with a long-delayed performance audit of the department. The department feared that confidential taxpayer documents would become subject to the right-to-know law if provided to our performance auditors. This language clears that up without sacrificing any of the confidentiality insisted on by our tax-payers, the department, and the internal revenue service. Vote 19-0.

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen B. Stepanek for Ways and Means: This bill establishes a New Hampshire innovation business job growth program, intended to promote investment in qualified venture capital funds by guaranteeing or insuring portions of the principle of investments in such funds and through direct investment in qualified venture capital funds by the program. The program is authorized to apply for and accept grants from the federal government and sources other than the state of New Hampshire that will assist in carrying out the purposes of this law. There are no funds from the state of New Hampshire. There are no obligations or liabilities to the state of New Hampshire related to any of these investments. This is a new business new job creation bill. Vote 17-0.

Amendment (0494h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Business Finance Authority; Innovation Business Job Growth Program. Amend RSA 162-A by inserting after section 13-c the following new section:

162-A:13-d Innovation Business Job Growth Program.

I. The authority may establish and administer an innovation business job growth program to increase the supply of venture capital to the economy of the state. The program is intended to promote investment in qualified venture capital funds by guaranteeing or insuring portions of the principal of investments in such funds and through direct investment in qualified venture capital funds by the authority. Creation of the program is intended to improve access by innovative businesses in this state to venture capital funds, and to create or preserve employment opportunities for the state's citizens. The program shall be known as the "New Hampshire innovation business job growth program."

II. The authority is authorized to apply for and accept grants from the federal government and sources other than the state of New Hampshire that will assist in carrying out the purposes of this section. The authority shall establish a fund to be known as the New Hampshire innovation business job growth fund which shall be established exclusively for the purpose of receiving, holding,

and investing all such moneys or grants consistent with the purposes of this section, including any investment income earned with respect to such moneys or grants. The authority shall maintain the fund and all moneys, grants, and investment income earned thereon separate and distinct from all other moneys of the authority.

III. Upon approval by the authority's board of directors, the authority may apply funds maintained in the New Hampshire innovation business job growth fund to provide guarantees of the principal of investments in qualified venture capital funds that by contract agree to invest such principal in New Hampshire within 12 months of the receipt of the guarantees. The authority's board of directors shall approve such application of funds after making all of the following findings:

(a) The proposed application or investment will serve a public use and provide a public benefit;

(b) The proposed application or investment is within the policy of, and the authority conferred by, this section;

(c) The proposed application or investment will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens; and

(d) The proposed application or investment will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.

IV. Qualified venture capital funds are those funds that have by contract with the authority's board of directors agreed to invest, no later than 12 months after the execution of the guarantee, the amount of any guaranteed principal in businesses whose primary operations are located in New Hampshire and that, in opinion of the board:

(a) Will maintain a periodic presence in the state;

(b) Will build linkages to, and accept referrals from, some of the organizations promoting the state's innovation economy, including the authority, the Small Business Development Corporation, the university of New Hampshire Green Launching Pad, the department of resources and economic development, the New Hampshire Innovation Commercialization Center, the university system of New Hampshire, and other venture capital investors within the state;

(c) Will actively invest in companies establishing their first payroll accounts in the state;

(d) Express a commitment to seek investments in businesses in this state that meet its investment criteria; and

(e) Demonstrate the ability to successfully manage rapid portfolio company growth leading to excellent returns on invested capital.

V. The application or investment of funds pursuant to this section shall be evidenced by written agreement entered into by the authority, other parties, and qualified venture capital funds with respect to such application or investment.

VI. The authority shall establish such policies and procedures as it shall determine necessary to carry out the purposes of this section.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 636-FN-A, increasing the rate of the Medicaid enhancement tax, the nursing facility quality assessment fee, and the ICF quality assessment fee. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Azarian for Ways and Means: The sponsor and the committee agreed that this actually equated to a new tax and should be found Inexpedient to Legislate. Vote 19-0.

REGULAR CALENDAR

CACR 9, relating to parental rights. Providing that the state shall not abridge the responsibility of parents for the health, education, and welfare of their children. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Anne C. Grassie for the Majority of Children and Family Law: The majority understands that both the U.S. and N.H. Supreme Courts expressly recognize the natural rights of parents to raise their children as they see fit. However, those recognized rights do not confer an absolute right when it is proven that the welfare of a child is in jeopardy. Courts' explicit recognition of these parental rights hasn't prevented legislatures from promulgating laws that enable governmental agencies interventions. The sensible solution for the aggrieved is to revise or repeal those specific laws. Also, a constitutional amendment that doesn't allow abridgement of parental rights will spawn litigation and paralyze constructive state interventions where parents, through substance addiction

or something similar, are derelict in their parenting responsibilities to the point that children are in real jeopardy. The sensible solution again, is to amend relevant RSAs, because the problem lies not in the constitution but in the culture. Vote 8-3.

Rep. Jeffrey D. Oigny for the Minority of Children and Family Law: The bearing of arms, Article 2a, was added to the NH Bill of Rights in 1982 to explicitly enumerate the natural right already covered by Article 2 in response to several efforts to degrade gun rights in New Hampshire. The constitutional enumeration of gun rights hasn't stopped all gun legislation, but it has protected the right even during times when the legislature was inclined to pass laws limiting it. Similar degradation of parental rights is taking place in New Hampshire, on a regular basis. The New Hampshire bureau of vital statistics has data showing that New Hampshire family division's parenting time determination orders abridge parental rights in 80 percent of cases. Even this year, the number of bills related to parental rights is considerably high, both in bills to protect them and worse, bills to restrict them. Enumeration of parental rights is needed to set a bright line and not only stop the violation of fundamentally protected parental rights but also guide the legislature forward so it can amend existing statutory law to coincide with the constitutional right. It's time that New Hampshire act in concordance with 80 years of U.S. Supreme Court decisions that have consistently upheld the primary, natural authority of parents over their children, to make key determinations in their formative lives, by sending Article 2b to the people, so that the parents of NH can insist that the constitution should protect their proper role with a clear statement of that fact. Parents have the natural right to control the health, education and welfare of their children.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Bettencourt and Avard spoke against.

Rep. Moran spoke in favor.

Rep. Oigny spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 148 NAYS 183

YEAS 148 BELKNAP

Bolster, Peter	Millham, Alida	St. Cyr, Jeffrey	Tobin, William
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CARROLL

Chandler, Gene	Knox, J. David	Patten, Betsey	Umberger, Karen
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CHESHIRE

Butynski, William	Carr, Daniel	Dwinell, Richard	Hawkes, Samuel
Johnsen, Gladys	Johnson, Jane	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Tatro, Bruce	Weber, Lucy		

COOS

Coulombe, Gary	Daugherty, Duffy	Merrick, Evalyn	Remick, William
Theberge, Robert	Tholl, John Jr		

GRAFTON

Almy, Susan	Benn, Bernard	Bulis, Lyle	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Simard, Paul	Smith, Suzanne
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Belanger, James	Belvin, William
Brunelle, Michael	Buxton, Michael	Coffey, James	Cote, David
Cusson-Cail, Kathleen	Drisko, Richard	Fredette, Robert	Gargas, Carolyn
Garrity, Patrick	Gimas, John	Goley, Jeffrey	Gorman, Mary
Graham, John	Haefner, Robert	Hansen, Peter	Hawkins, Kenneth

Hopper, Gary
Kurk, Neal
Moran, Edward
Pilotte, Maurice
Rokas, Ted
Thomas, Joseph

Hutchinson, Winfred
Levasseur, Nickolas
Ober, Russell III
Porter, Marjorie
Rosenwald, Cindy
Vaillancourt, Steve

Infantine, William
Long, Patrick
Pellegrino, Tony
Rhodes, Brian
Rowe, Robert

Jeady, Jean
Messier, Irene
Pepino, Leo
Robbins, David
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Hess, David
MacKay, James
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Keane, Thomas
McDonnell, John
Rice, Chip
Watrous, Rick

Frazer, June
Kidder, David
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

Allen, Mary
Copeland, Timothy
Garrry, James
McKinney, Betsy
Packard, Sherman
Sanders, Elisabeth
Waddell, James

Brown, Paul
DeSimone, Debra
Gould, Kenneth
Ne vins, Chris
Pantelakos, Laura
Schlachman, Donna

Cali-Pitts, Jacqueline
Devine, James
Griffin, Mary
Norelli, Terie
Powers, James
Serlin, Christopher

Case, Frank
DiPentima, Rich
Lovejoy, Patricia
O'Connor, John
Read, Robin Jr
Shuler, Wyman III

STRAFFORD

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Wall, Janet

Cataldo, Sam
Horrigan, Timothy
Schmidt, Peter
Watters, David

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 183

BELKNAP

Accornero, Harry
Luther, Robert
Simpson, Tyler

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

Greemore, Robert
Russell, David
Worsman, Colette

CARROLL

Fleck, Joseph
Schmidt, Stephen

McCarthy, Frank
Tregenza, Norman

Merrow, Harry

Pettengill, Laurie

CHESHIRE

Cartwright, Anne
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Moore, Charles

Moore, Robert Jr

COOS

Rappaport, Laurence

Richardson, Herbert

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sova, Charles

Brosseau, Charles
Mirski, Paul

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Burt, John

Balboni, Michael
Boehm, Ralph
Cebrowski, John

Ball, J. Michael
Brown, Kevin
Champagne, Norma

Barry, Richard
Brownrigg, Randall Jr
Christensen, D.L. Chris

Christiansen, Lars
 Donovan, Daniel
 Gandia, Laura
 Hinch, Richard
 Krasucki, Joseph
 McCarthy, Michael
 Murphy, Keith
 Palmer, Stephen
 Proulx, Mark
 Silva, Peter
 Stepanek, Stephen
 Ulery, Jordan
 Willette, Robert

Daniels, Gary
 Erickson, Duane
 Greazzo, Phil
 Hogan, Edith
 Lambert, George
 McClarren, Donald
 Notter, Jeanine
 Parison, James
 Renzullo, Andrew
 Simmons, Tammy
 Stroud, Kathleen
 Villeneuve, Moe

DeJong, Cameron
 Flanagan, Jack
 Hardwick, Harry
 Hogan, Timothy
 LeBrun, Donald
 McGuinness, Sean
 Ober, Lynne
 Peterson, Lenette
 Scotsas, Lisa
 Soucy, Connie
 Swank, Matthew
 Warden, Mark

Doherty, Shaun
 Gagne, Larry
 Hikel, John
 Holden, Frank
 Maltz, Jonathan
 Mecheski, Holly
 Ohm, Bill
 Pratt, Calvin
 Seidel, Carl
 Souza, Kathleen
 Twombly, Timothy
 Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Lauer-Rago, Kathleen
 Reed, Dennis
 Smith, Todd

Coffey, Jennifer
 Hoell, J.R.
 McGuire, Carol
 Sanborn, Laurie
 Winter, Steven

Cohn, Seth
 Kotowski, Frank
 McGuire, Dan
 Seaworth, G. Brian

Cox, Sean
 Kreis, Kenneth Sr
 Palfrey, David
 Smith, Molly

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Chirichiello, Brian
 Fesh, Robert
 Introne, Robert
 Manuse, Andrew
 Oligny, Jeffrey
 Reagan, John
 Sheffert, Kenneth
 Tamburello, Daniel
 Ward, Joanne
 Weyler, Kenneth

Antosz, Jason
 Bettencourt, David
 Comerford, Timothy
 Garcia, Marilinda
 Itse, Daniel
 Mauro, Donna
 Peckham, Michele
 Reichard, Kevin
 Smith, William
 Tasker, Kyle
 Waterhouse, Kevin

Azarian, Gary
 Birdsell, Regina
 Duarte, Joe
 Headd, James
 Kappler, Lawrence
 McMahon, Charles
 Quandt, Marshall
 Rice, Frederick
 Sullivan, James
 Tremblay, Stella
 Webb, James

Baldasaro, Alfred
 Charron, Gene
 Ferrante, Beverly
 Hoelzel, Kathleen
 Major, Norman
 Murphy, Brian
 Quandt, Matt
 Sedensky, John
 Sullivan, Kevin
 Tucker, Pamela
 Welch, David

STRAFFORD

Andolina, Donald
 Jones, Laura
 O'Connor, William
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 Panek, William
 Vita, Lucien

Groen, Warren
 Munck, Philip
 Parsons, Robbie

Jones, Kyle
 Newton, Clifford
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

and the majority committee report failed.

Rep. Emerson did not vote and notified the Clerk that she wished to be recorded against.

Rep. Bettencourt moved the minority committee report of Ought to Pass with Amendment and offered minority committee amendment (0602h).

Minority Amendment (0602h)

Amend the title of the resolution by replacing it with the following:

RELATING TO: parental rights.

PROVIDING THAT: parents have the natural right to control the health, education, and welfare of their children.

Amend paragraph I of the resolution by replacing it with the following:

I. That the first part of the constitution be amended by inserting after article 2-a the following new article:

[Art.] 2-b. Parents have the natural right to control the health, education, and welfare of their children.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the first part of the constitution by inserting after article 2-a a new article to read as follows:

[Art.] 2-b. Parents have the natural right to control the health, education, and welfare of their children.”

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that parents have the natural right to control the health, education, and welfare of their children.

On a division vote, 219 members having voted in the affirmative and 117 in the negative, the minority committee amendment was adopted.

The question now being adoption of the minority committee report of Ought to Pass with Amendment.

MOTION TO LAY ON THE TABLE

Rep. Cohn moved that **CACR 9**, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children, be laid on the table.

On a division vote, 221 members having voted in the affirmative and 117 in the negative, the motion failed lacking the necessary three-fifths vote.

The question now being adoption of the minority committee report of Ought to Pass with Amendment. Rep. Cox requested a roll call; sufficiently seconded.

YEAS 212 NAYS 128

YEAS 212

BELKNAP

Accornero, Harry	Fields, Dennis	Flanders, Donald	Greemore, Robert
Luther, Robert	Malone, Robert	Pilliod, James	Russell, David
Simpson, Tyler	Swinford, Elaine	Tilton, Franklin	Tobin, William
Worsman, Colette			

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	McCarthy, Frank
Merrow, Harry	Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman

CHESHIRE

Cartwright, Anne	Hunt, John	Moore, Charles	Moore, Robert Jr
Smith, Edwin	Sterling, Franklin Jr		

COOS

Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr	Tremblay, Marc
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GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Mirski, Paul	Reilly, Harold Sr
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Bergevin, Jerry	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christensen, D.L. Chris	Christiansen, Lars	Coffey, James	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron	Doherty, Shaun
Donovan, Daniel	Erickson, Duane	Flanagan, Jack	Gagne, Larry
Gandia, Laura	Greazzo, Phil	Haefner, Robert	Hardwick, Harry

Hikel, John
Holden, Frank
Lambert, George
McClarren, Donald
Notter, Jeanine
Parison, James
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Hinch, Richard
Hopper, Gary
LeBrun, Donald
McGuinness, Sean
Ober, Lynne
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Warden, Mark

Hogan, Edith
Infantine, William
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Hogan, Timothy
Krasucki, Joseph
McCarthy, Michael
Murphy, Keith
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbaker, Lynne
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

Coffey, Jennifer
Keane, Thomas
McDonnell, John
Reed, Dennis
Smith, Todd

Cox, Sean
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Chirichiello, Brian
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Manuse, Andrew
Nevins, Chris
Perkins, Amy
Reagan, John
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Fesh, Robert
Headd, James
Kappler, Lawrence
Mauro, Donna
Oigny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

Azarian, Gary
Birdsell, Regina
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
McMahon, Charles
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Baldasaro, Alfred
Charron, Gene
Duarte, Joe
Garrity, James
Introne, Robert
Major, Norman
Murphy, Brian
Peckham, Michele
Quandt, Matt
Sanders, Elisabeth
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
Panek, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie

Jones, Kyle
Newton, Clifford
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 128

BELKNAP

Bolster, Peter

Millham, Alida

St. Cyr, Jeffrey

CARROLL

Knox, J. David

Patten, Betsey

Umberger, Karen

CHESHIRE

Butynski, William
Johnsen, Gladys
Meader, David
Tatro, Bruce

Carr, Daniel
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Dwinell, Richard
Lerandeau, Alfred
Roberts, Kris

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

COOSCoulombe, Gary
Theberge, Robert

Daugherty, Duffy

Merrick, Evalyn

Remick, William

GRAFTONAlmy, Susan
Harding, Laurie
Pierce, David
White, AndrewBenn, Bernard
Ladd, Rick Jr
Smith, SuzanneCooney, Mary
Nordgren, Sharon
Taylor, KathleenGould, Franklin
Pastor, Beatriz
Townsend, Charles**HILLSBOROUGH**Baroody, Benjamin
Brunelle, Michael
Gargas, Carolyn
Gorman, Mary
Hutchinson, Winfred
Long, Patrick
Pilotte, Maurice
Rokas, Ted
Vaillancourt, SteveBarry, J. Gail
Cote, David
Garrity, Patrick
Graham, John
Jeudy, Jean
Messier, Irene
Porter, Marjorie
Rosenwald, CindyBelanger, James
Drisko, Richard
Gimas, John
Hansen, Peter
Kurk, Neal
Moran, Edward
Rhodes, Brian
Shaw, BarbaraBelvin, William
Fredette, Robert
Goley, Jeffrey
Hawkins, Kenneth
Levasseur, Nickolas
Ober, Russell III
Robbins, David
Thomas, Joseph**MERRIMACK**Bouchard, Candace
Foose, Robert
Kidder, David
Patten, Dick
Shurtleff, StephenCohn, Seth
Frazer, June
Lockwood, Priscilla
Potter, Frances
Wallner, Mary JaneDeloge, Helen
Gile, Mary
MacKay, James
Rice, Chip
Watrous, RickDeStefano, Stephen
Hess, David
Owen, Derek
Richardson, Gary
Williams, Robert**ROCKINGHAM**Allen, Mary
Copeland, Timothy
Gould, Kenneth
O'Connor, John
Schlachman, DonnaBrown, Paul
DeSimone, Debra
Lovejoy, Patricia
Pantelakos, Laura
Serlin, ChristopherCali-Pitts, Jacqueline
DiPentima, Rich
McKinney, Betsy
Powers, JamesCase, Frank
Dowling, Patricia
Norelli, Terie
Read, Robin Jr**STRAFFORD**Brown, Julie
Hofemann, Roland
Keans, Sandra
Spang, JudithBrowne, Brendon
Hooper, Dorothea
Roberts, Jenna
Wall, JanetCataldo, Sam
Horrigan, Timothy
Schmidt, Peter
Watters, DavidGinsburg, Philip
Kaen, Naida
Spainhower, Dale**SULLIVAN**

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the minority committee report failed lacking the necessary three-fifths vote.

Rep. Emerson did not vote and notified the Clerk that she wished to be recorded in favor.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a roll call vote of 212-128, it failed to adopt the minority committee report of Ought to Pass with Amendment by the necessary three-fifths on **CACR 9**, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children. Rep. Vaillancourt spoke against.

On a division vote, 158 members having voted in the affirmative and 186 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 52, relative to grounds for modification of parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn M. Gargasz for Children and Family Law: This bill, as amended, permits the court to modify a permanent order based on the best interests of the child if the modification makes no more than a minimal change in the allocation of parenting time. The bill also permits modification of a parenting plan based on the best interests of the child, other than the sections of the plan concerning relocation or the parenting schedule. The current rigidity resulted from an inadvertent omission when the law was changed. The court system felt the change would not create any undue burdens. Vote 10-2.

Amendment (0480h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Grounds for Modification of Parenting Rights and Responsibilities. Amend RSA 461-A:11, I by inserting after subparagraph (e) the following new subparagraph:

(f) The modification makes either a minimal change or no change in the allocation of parenting time between the parents, and the court determines that such change would be in the best interests of the child.

2 Modification of Parenting Plan. Amend RSA 461-A:11, II to read as follows:

II. Except as provided in RSA 461-A:11, I (b) - (f) for parenting schedules and RSA 461-A:12 for a request to relocate the residence of a child, the court may issue an order modifying any section of a permanent parenting plan based on the best interest of the child. RSA 461-A:5, III shall apply to any request to modify decision-making responsibility.

III. For the purposes of this section, the burden of proof shall be on the moving party.

3 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill permits the court to modify a permanent parenting order based on the best interests of the child if the modification makes no more than a minimal change in the allocation of parenting time.

The bill also permits modification of a parenting plan based on the best interests of the child, other than the sections of the plan concerning relocation or the parenting schedule.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 81, relative to public members of the guardian ad litem board. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin F. Gould for Children and Family Law: Three issues led to Inexpedient to Legislate:

1) This bill changes precedent by narrowly defining “general public” by gender and customers of the Guardian ad Litem system. 2) Adding two members would change the quorum which has been hard to make in the past and four “general public” members would represent a voting majority when a quorum is present. 3) A bill to require an audit of the GAL process, including the make-up of the GAL board, has passed the House. HB 81 is inappropriate at this time. Vote 9-2.

Committee report adopted.

HB 395, establishing a child protection study committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T. Lovejoy for Children and Family Law: The committee felt that the performance and financial audits called for in this bill were overly broad. The study committee had no end date, reporting would have been required every year by November 1st. The bill did not have a financial note but would require large expenditures in order to perform all of the duties listed. In addition, the bill called for audits of two independent not-for-profit organizations, The New Hampshire Charitable Foundation and the Child Advocacy Centers. Several committee members agreed on pursuing a more focused approach including University of New Hampshire help and review of current audits. Vote 10-2.

Committee report adopted.

HB 416, adding an exemption from immunization for conscientious beliefs. **INEXPEDIENT TO LEGISLATE.**

Rep. David S. Robbins for Children and Family Law: The proposed law would add an exemption for conscientious belief to the NH requirement that all children be immunized for attendance at public schools and licensed day care facilities. Currently NH requires a series of vaccinations and boosters for entry to and continued attendance at public schools and licensed day care facilities.

There are now two exemptions: medical and religious. A medical professional can assert that a specific vaccination or vaccinations should be delayed or proscribed due to a temporary or ongoing medical condition. Parents may assert that vaccination violates a religious tenant. NH law is silent on whether the religious exemption allows the parents to choose administration of some, but not all, vaccinations. Testimony before the committee indicated that some, but by no means all, medical professionals were reluctant to administer selective immunizations. Further testimony indicated that parents could, if they chose, find medical professionals who would administer vaccinations selectively. The committee believes that immunization requirements for attendance at public school and licensed daycare are appropriate and necessary for the public good. We received testimony indicating increased outbreaks of pertussis and other contagious diseases in states and countries with decreased immunization rates. Conversely, there was lower disease incidence in states and countries with high immunization rates. Further testimony indicated that effective group protection required very high, but not total, immunization rates. A small percentage of unimmunized individuals did not threaten the health of the group. However, beyond a certain threshold (the limit of herd immunity) infection rates increased dramatically. The committee heard the anguished, passionate, frustrated, philosophical, constitutional and health-based arguments offered by parents and professionals supporting an exemption as a right of conscience. They were compelling and well-articulated. The committee did not and does not dismiss or minimize them. They come from a genuine concern for children's health and the right of parents to make choices for their children. The committee concluded that there was compelling, overwhelming medical evidence that vaccinations were effective and current law served the public good. Allowing a third exemption would threaten public health. We further concluded that while vaccinations have some risks of adverse consequences, the public good outweighs the individual risks. Parents may choose which, if any, vaccines their children receive. They have school choice options including private, parochial and/or home schooling. The committee believes these options provide a balance between group health and a parent's right to choose what they believe best for their children. Vote 8-3.

Reps. Notter and Laura Jones spoke against.

Rep. Lambert spoke against and yielded to questions.

Reps. DiPentima and Robbins spoke in favor and yielded to questions.

Rep. Terrio spoke in favor.

Rep. DiPentima requested a roll call; sufficiently seconded.

YEAS 215 NAYS 149

YEAS 215

BELKNAP

Bolster, Peter	Fields, Dennis	Flanders, Donald	Luther, Robert
Millham, Alida	Pilliod, James	Russell, David	St. Cyr, Jeffrey
Tilton, Franklin			

CARROLL

Chandler, Gene	Fleck, Joseph	Knox, J. David	McCarthy, Frank
Morrow, Harry	Patten, Betsey	Scala, Dino	Schmidt, Stephen
Umberger, Karen			

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Dwinell, Richard
Emerson, Susan	Hawkes, Samuel	Hunt, John	Johnsen, Gladys
Johnson, Jane	Lerandau, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Smith, Edwin
Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy	

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Merrick, Evalyn
Remick, William	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne

GRAFTON

Aguir, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Bulis, Lyle	Cooney, Mary	Eaton, Stephanie	Gould, Franklin

Harding, Laurie
Reilly, Harold Sr
Townsend, Charles

Ladd, Rick Jr
Simard, Paul
White, Andrew

Pastor, Beatriz
Sorg, Gregory

Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Boehm, Ralph
Buxton, Michael
Coughlin, Sean
Emerton, Larry
Gargas, Carolyn
Gorman, Mary
Hutchinson, Winfred
Krasucki, Joseph
Long, Patrick
Ohm, Bill
Ramsey, Peter
Rosenwald, Cindy
Thomas, Joseph

Barry, J. Gail
Brown, Kevin
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Erickson, Duane
Garritty, Patrick
Graham, John
Jasper, Shawn
Kurk, Neal
Marcus, Bruce
Pilotte, Maurice
Rhodes, Brian
Rowe, Robert
Twombly, Timothy

Belanger, James
Brownrigg, Randall Jr
Coffey, James
Donovan, Daniel
Flanagan, Jack
Gimas, John
Haefner, Robert
Judy, Jean
LeBrun, Donald
Messier, Irene
Porter, Marjorie
Robbins, David
Shaw, Barbara
Whitehead, Randall

Belvin, William
Brunelle, Michael
Cote, David
Drisko, Richard
Fredette, Robert
Goley, Jeffrey
Hawkins, Kenneth
Katsiantonis, Thomas
Levasseur, Nickolas
Moran, Edward
Proulx, Mark
Rokas, Ted
Terrio, Ross
Willette, Robert

MERRIMACK

Bouchard, Candace
Foose, Robert
Hess, David
MacKay, James
Patten, Dick
Richardson, Gary
Williams, Robert

Cox, Sean
Frazer, June
Kidder, David
McDonnell, John
Potter, Frances
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Kotowski, Frank
Owen, Derek
Reed, Dennis
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Palfrey, David
Rice, Chip
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Case, Frank
Devine, James
Garcia, Marilinda
Hagan, Joseph
Major, Norman
Norelli, Terie
Pantelakos, Laura
Powers, James
Sanders, Elisabeth
Sheffert, Kenneth
Waddell, James

Allen, Mary
Charron, Gene
DiPentima, Rich
Garritty, James
Headd, James
McKinney, Betsy
O'Connor, John
Peckham, Michele
Quandt, Marshall
Schlachman, Donna
Shuler, Wyman III
Ward, Joanne

Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Gould, Kenneth
Hutchinson, Karen
Moody, Marcia
Oigny, Jeffrey
Perkins, Amy
Read, Robin Jr
Sedensky, John
Smith, William
Waterhouse, Kevin

Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Lovejoy, Patricia
Murphy, Brian
Packard, Sherman
Perkins, Lawrence
Reagan, John
Serlin, Christopher
Sytek, John
Wheaton, Gary

STRAFFORD

Berube, Roger
Ginsburg, Philip
Munck, Philip
Spainhower, Dale
Watters, David

Brown, Julie
Hooper, Dorothea
Panek, William
Spang, Judith

Browne, Brendon
Kaen, Naida
Roberts, Jenna
Sprague, Dale

Cataldo, Sam
Keans, Sandra
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

Lefebvre, Benjamin

Lovett, Charlene

NAYS 149 BELKNAP

Accornero, Harry
Swinford, Elaine

Greemore, Robert
Tobin, William

Malone, Robert
Worsman, Colette

Simpson, Tyler

CARROLL

Ahlgren, Christopher
Tregenza, Norman

Babson, David Jr

McConkey, Mark

Pettengill, Laurie

CHESHIRE

Cartwright, Anne

Moore, Charles

Moore, Robert Jr

COOS

Rappaport, Laurence

Richardson, Herbert

Tremblay, Marc

GRAFTON

Brosseau, Charles
Smith, Suzanne

Gionet, Edmond
Sova, Charles

Ingbretson, Paul

Mirski, Paul

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Christiansen, Lars
Gagne, Larry
Hardwick, Harry
Hogan, Timothy
Lambert, George
McGuinness, Sean
Ober, Lynne
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Stroud, Kathleen
Villeneuve, Moe

Balboni, Michael
Burt, John
Daniels, Gary
Gandia, Laura
Hikel, John
Holden, Frank
Maltz, Jonathan
Mecheski, Holly
Ober, Russell III
Peterson, Lenette
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Warden, Mark

Ball, J. Michael
Cebrowski, John
DeJong, Cameron
Gonzalez, Carlos
Hinch, Richard
Hopper, Gary
McCarthy, Michael
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Ulery, Jordan

Barry, Richard
Champagne, Norma
Doherty, Shaun
Greazzo, Phil
Hogan, Edith
Infantine, William
McClarren, Donald
Notter, Jeanine
Parison, James
Reed, Michael
Silva, Peter
Stepanek, Stephen
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
McGuire, Dan
Smith, Molly

Coffey, Jennifer
Keane, Thomas
Richardson, Jon
Smith, Todd

Cohn, Seth
Lauer-Rago, Kathleen
Sanborn, Laurie
Winter, Steven

Giuda, J. Brandon
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Antosz, Jason
Bettencourt, David
Duarte, Joe
Introne, Robert
Manuse, Andrew
Okerman, Richard
Ritter, Glenn
Tasker, Kyle
Welch, David

Azarian, Gary
Brown, Paul
Ferrante, Beverly
Itse, Daniel
Mauro, Donna
Quandt, Matt
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

Baldasaro, Alfred
Chirichiello, Brian
Fesh, Robert
Kappler, Lawrence
McMahon, Charles
Reichard, Kevin
Sullivan, Kevin
Tucker, Pamela

Bates, David
Comerford, Timothy
Hoelzel, Kathleen
Katsakiores, Phyllis
Nevins, Chris
Rice, Frederick
Tamburello, Daniel
Webb, James

STRAFFORD

Andolina, Donald
Horrigan, Timothy
Newton, Clifford
Vita, Carol

DeLemus, Susan
Jones, Kyle
O'Connor, William
Vita, Lucien

Groen, Warren
Jones, Laura
Parsons, Robbie
Weeden, Michael

Hofemann, Roland
Larsen, Kirsten
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Smith, Steven

LaCasse, Paul Sr

and the committee report was adopted.

HB 563, revising the child support guidelines based on foster care reimbursement rates. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A. Dowling for Children and Family Law: The committee heard several bills relative to child support issues and opted to affirm HB 597 unanimously and to find this bill Inexpedient to Legislate. This bill proposed using foster care subsidies as total child support obligation guidelines. The majority of the committee felt that foster care subsidies were intended as temporary subsidies for foster families with a child in their care, and not as benchmarks for actual child support in New Hampshire, as are elaborated in HB 597. Vote 10-1.

Committee report adopted.

HB 575, relative to the calculation of child support in cases of shared parenting. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn M. Gargasz for Children and Family Law: Currently adjustments are being made in court regarding parents sharing expenses in cases of equal and near equal parenting time. Upon further reflection constituents who requested the bill and the sponsor decided the court was functioning well enough in this area that this legislation was essentially superfluous. Therefore, there is no need for this legislation. Vote 9-2.

Committee report adopted.

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. **OUGHT TO PASS.**

Rep. Matt J. Quandt for Commerce and Consumer Affairs: The majority believes that the previous FRM commission ran out of time before they received all the facts in this case, although there was a report done by the AG's office in which the banking department was involved. Given that the securities department will have a report done and public in a couple of weeks, the committee felt that to continue the committee would be worth while. There are enough reports out there to review, with the expected securities report that the information will be available to nail down the facts without any extensive interviewing or investigation and provide this information to the full House. Vote 13-4. Committee report adopted and ordered to third reading.

HB 262-FN, relative to beverage manufacturers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J. Manuse for Commerce and Consumer Affairs: This common-sense bill is an enabling piece of legislation that will create an entry-level license for entrepreneurs who want to launch a New Hampshire brewery. This new "nanobrewery" license, which will create jobs and more choices for consumers, will remove the prohibitive barriers to market entry of current license classifications. Unlike a brew pub, a nanobrewery set up only to sell uniquely brewed beer would not be subject to the burdens of maintaining kitchen and food services in order to serve beer samples to potential customers. A nanobrewery would also be allowed to sell limited amounts of New Hampshire made product to the market. The \$240 annual license fee for a nanobrewery is substantially less than the \$1,200 license required of larger manufacturers, yet the lower-cost license comes with reasonable limitations until the nanobrewery is ready to graduate to the next level license. The committee felt that this type of enabling legislation is needed to help stimulate the state's economy with new small businesses. Vote 16-0.

Amendment (0711h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Nano Brewery License. Amend RSA 178 by inserting after section 12 the following new section:

178:12-a Nano Brewery License.

I. The commission may issue a nano brewery license to a business that manufactures beer or specialty beer, not exceeding, 2,000 barrels annually for sale in any quantity to the general public or licensees. The license shall entitle the licensee to sell at retail or wholesale only beverages manufactured by the licensee in a public building as defined in RSA 175:1, LV-a. In addition to the annual license fees provided in this section, a fee of \$.30 for each gallon of beverage sold or transferred for retail sale or to the public shall be required.

II.(a) The annual fee for each license issued under this section shall be \$240.

(b) On or before the tenth day of each month a nano brewery licensee shall pay the license fees as provided by paragraph I covering sales or transfers made during the preceding calendar month.

III.(a) No beverage or liquor shall be served or consumed on the premises except that which is manufactured by the licensee.

(b) The licensee may serve beverages to any visitor of legal drinking age by the glass or other suitable container.

(c) For the purpose of this section, food and non-alcoholic beverages may be provided by a properly licensed third party food vendor on or off the premises.

(d) The licensee shall not allow any beverage or liquor to be served or sold to any person under the age of 21 on the premises.

(e) Sales for consumption on the premises shall be limited to one 4-ounce glass per label per person.

IV. A nano brewery licensee shall have the right to transport beverages it manufactures in barrels, kegs, bottles, or other closed containers within the state for sale to licensees and to the state border for transportation and sale outside the state.

2 Limited Credits. Amend RSA 179:13 to read as follows:

179:13 Limited Credits.

I. Each holder of a wholesale distributor, brew pub, *nano brewery*, or beverage manufacturer license shall report to the commission the name and license number of any on-premises or off-premises licensee who is delinquent in making payment of accounts over a total of \$100 within 10 days, including Sundays and holidays, from the date of delivery of beverages on the premises of such on-premises or off-premises licensee or on the premises of a liquor/wine/beverage warehouse storing the beverages for an on-premises or off-premises licensee. Each holder of a wholesale distributor license, brew pub license, *nano brewery license*, beverage manufacturer license, or beverage vendor license shall report to the commission the name and license number of any holder of a wholesale distributor license who is delinquent in making payments of accounts within 30 days from the date of delivery of beverages on the premises of such holder of a wholesale distributor license. Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent, unless the fifth day of such period is a Sunday or holiday in which case the report shall be forwarded the day following such Sunday or holiday.

II. Each holder of a beverage manufacturer license, [a] beverage vendor license, brew pub license, *nano brewery license*, or wholesale distributor license shall immediately notify the commission of the receipt of the payment of any account which has been reported to the commission as delinquent. Post-dated checks beyond the 5-day reporting period shall not constitute payments of accounts for the purchases of beverages. Checks given in payment for beverages which are returned for nonpayment after the 5-day reporting period shall immediately constitute a delinquency and shall, upon return, be reported to the commission. Payments collected by agents shall be reported as delinquent unless actually received at the place of business of the holder of the beverage manufacturer license, beverage vendor license, brew pub license, *nano brewery license*, or wholesale distributor license on or before the fifth day of the reporting period. When collections are made by an agent, the sales slips or invoices shall be clearly marked with the name of the person making the collection and the date of such collection.

III. The commission shall inform holders of beverage manufacturer licenses, beverage vendor licenses, brew pub licenses, *nano brewery licenses*, and wholesale distributor licenses of the names of licensees who are delinquent in making payments of a total amount of \$100 or more under the provisions of this section and no holder of a beverage manufacturer license, beverage vendor license, brew pub license, *nano brewery license*, or wholesale distributor license shall knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent under this section. The commission may withhold names of delinquent licensees under circumstances in which there is a dispute over payments, an agreement to liquidate which has been approved by the commission, or other reason which the commission may deem proper.

IV. The commission may impose a fine of not less than \$100 nor more than \$500 for a violation of this section. Determinations of a failure to comply with this section shall be made by the commission.

V. Each wholesale distributor, brew pub licensee, *nano brewery*, or beverage manufacturer shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of accounts. Notification shall be delivered in writing to the licensee by a representative of the wholesaler, brew pub licensee, *nano brewery*, or beverage manufacturer. Proof

of notification shall be forwarded to the commission, who shall issue an administrative notice for a violation of the provisions of RSA 179:13, I. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesale distributor's, brew pub licensee's, *nano brewery's*, or beverage manufacturer's notification, providing the requirements of this section have been met.

3 Purchase and Supply Restrictions. Amend RSA 179:33 to read as follows:

179:33 Sizes of Beer Containers; Promotions; Notification.

I. Holders of beverage vendor, *nano brewery*, or beverage manufacturer licenses shall use bottles or cans, and cases or containers for the sale of beer in the state which shall be specifically authorized by the commission.

II. Holders of beverage vendor, *nano brewery*, or beverage manufacturer licenses shall have their packaging or containers specifically approved by the commission and shall be fined \$250 for each packaging or container violation.

III. All details of transactions between retailers and wholesale distributors, beverage manufacturers, *nano breweries*, or brew pubs shall be reflected on pertinent invoices. Promotions shall be clearly identified by both brands and sizes and cash discounts shall be shown as credit and itemized as such. All items noted on delivery slips shall also be noted on wholesale distributor's account receivable ledger records.

IV. All wholesale distributors, beverage manufacturers, *nano breweries*, and brew pubs shall make their current prices for wholesale sales available to the commission in writing by brand package. Prices shall remain in effect until such time as they are changed in writing by the wholesale distributor, beverage manufacturer, *nano brewery*, or brew pub to the commission. Price changes shall be in the commission offices no later than 5 working days prior to any change of prices.

4 Effective Date. This act shall take effect July 1, 2011 at 12:01 a.m.

AMENDED ANALYSIS

This bill establishes a nano brewery license for businesses that manufacture up to 2,000 barrels of beer or specialty beer annually.

Amendment adopted.

Committee report adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Robbins moved that the House reconsider its action whereby, on a roll call vote of 215-149, it adopted the committee report of Inexpedient to Legislate on **HB 416**, adding an exemption from immunization for conscientious beliefs.

Motion failed.

REGULAR CALENDAR (CONT'D)

HB 276-FN, relative to wine manufacturers. **OUGHT TO PASS.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: This bill adds wine manufacturers to the existing state statute that licenses beer festivals and that already allows wines to be brought to farmers' markets. It sets fees in line with beer festivals. While the statute applies to all wines, this bill will reduce red tape and make it easier for New Hampshire's 24 wineries to participate in New Hampshire wine festivals. Vote 16-0.

Committee report adopted and ordered to third reading.

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine. **OUGHT TO PASS.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill repeals labeling requirements of oleomargarine sold in less quantities than the original packages contain, and for serving colored oleomargarine. These are two very old laws from the 1800's; removing these laws still leaves law in effect in RSA 184:48 to provide for consumer protection and notification. Restaurants will be able to serve in the color and shape they would choose, so long as the customer knows what they are getting. Vote 13-3.

Committee report adopted and ordered to third reading.

HB 629-FN, relative to the uninsured health care database. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for the Majority of Commerce and Consumer Affairs: This bill repeals the uninsured health care database. This bill will end the database creation passed in 2009 that has proven to be a burden on hospitals and an invasion of privacy by the use and storing of the social security numbers of patients without their knowledge or permission. The New Hampshire Hospital Association and the NH Medical Society requested this bill. Vote 11-4.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: Last year the legislature passed a bill to expand the healthcare data collection already done by hospitals, hospital-owned physician practices and community health centers under RSA 126:25. The impetus for this was concern over cost-shifting that occurs in providing health care services to the uninsured. These expenses are one factor in the high insurance premiums paid by NH residents. This data would be available to policy analysts, legislators, healthcare providers and others to better understand healthcare utilization by the uninsured. The minority believes that the failure of the hospitals and their physician practices to establish the mechanism for data collection is not a reason to abandon this effort.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 279 NAYS 87

YEAS 279

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Marrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Moore, Charles	Moore, Robert Jr
Parkhurst, Henry	Smith, Edwin	Sterling, Franklin Jr	

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingretson, Paul	Ladd, Rick Jr	Mirski, Paul
Pierce, David	Reilly, Harold Sr	Simard, Paul	Sorg, Gregory
Sova, Charles			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris
Christiansen, Lars	Coffey, James	Coughlin, Sean	Cusson-Cail, Kathleen
Daniels, Gary	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Emerton, Larry	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gimas, John
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert

Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Reed, Michael
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Parison, James
Pratt, Calvin
Renzullo, Andrew
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Proulx, Mark
Robbins, David
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pepino, Leo
Ramsey, Peter
Rosenwald, Cindy
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Giuda, J. Brandon
Kidder, David
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hess, David
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kappler, Lawrence
Mauro, Donna
O'Connor, John
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
McKinney, Betsy
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Antosz, Jason
Bettencourt, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
Major, Norman
McMahon, Charles
Oligny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Azarian, Gary
Birdsell, Regina
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garity, James
Headd, James
Itse, Daniel
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Jones, Laura
Panek, William
Vita, Carol

Brown, Julie
Hofemann, Roland
Munck, Philip
Parsons, Robbie
Vita, Lucien

Cataldo, Sam
Horrigan, Timothy
Newton, Clifford
Pitre, Joseph
Weeden, Michael

DeLemus, Susan
Jones, Kyle
O'Connor, William
Sprague, Dale

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 87 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Tatro, Bruce

Carr, Daniel
Lindsey, Steven
Weber, Lucy

Hawkes, Samuel
Meader, David

Johnsen, Gladys
Sad, Tara

COOS

Coulobme, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Katsiantonis, Thomas
Pilotte, Maurice
Shaw, Barbara

Brunelle, Michael
Goley, Jeffrey
Levasseur, Nickolas
Porter, Marjorie

Cote, David
Gorman, Mary
Long, Patrick
Rhodes, Brian

Garrity, Patrick
Judy, Jean
Messier, Irene
Rokas, Ted

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

DiPentima, Rich
Nevins, Chris
Read, Robin Jr

Dowling, Patricia
Norelli, Terie
Schlachman, Donna

Lovejoy, Patricia
Pantelakos, Laura
Serlin, Christopher

Moody, Marcia
Powers, James

STRAFFORD

Berube, Roger
Kaen, Naida
Spainhower, Dale

Browne, Brendon
Keans, Sandra
Spang, Judith

Ginsburg, Philip
Roberts, Jenna
Wall, Janet

Hooper, Dorothea
Schmidt, Peter
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Anne S. Cartwright for the Majority of Constitutional Review and Statutory Recodification: The question before the committee was the issue of whether the legislature has the constitutional right to direct the attorney general to pursue a lawsuit on behalf of the state. We reviewed testimony specifically on the constitutional issue. The evidence for both past practices and recent examples was overwhelmingly supportive of the constitutionality of this directive. Clearly the legislature has directed the attorney general using mandatory language many times before. Section 2 Article 5 of

the NH Constitution deals with the power to make laws, elect officers, define their powers and duties and in part states "or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and set forth the several duties, powers, and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to the constitution;" Furthermore, RSA 7 and RSA 21-M, which define his duties, including any discretion he may have, contain many statutes that use "shall" to require the attorney general to take action. Although the House of Representatives could retain the services of an independent counsel on behalf of the House, it is constitutionally questionable for the House to do so on behalf of the state. If the legislature does not have the ability to direct the attorney general to act on its behalf then the legislature has no ability to enforce our statutes. Section 2 Article 2 states that: "The supreme legislative power, within this state, shall be vested in the senate and house of representatives, each of which shall have a negative on the other." (June 2, 1784). The constitutionally appropriate action is to direct the attorney general to take action on behalf of the state of New Hampshire. Vote 12-5.

Rep. Thomas Katsiantonis for the Minority of Constitutional Review and Statutory Recodification: After hearing public testimony and engaging in considerable discussion at the committee level, the minority has come to the realization that the constitutionality of HB 89 will ultimately be determined by the state's supreme authority on constitutionality, the New Hampshire Supreme Court. The attorney general has already stated that he will challenge the constitutionality of HB 89 in court if it becomes law. Such an action would not only be time consuming for the judicial, the executive (plaintiff), and legislative (defendant) branches, it would also be unnecessarily costly to the taxpayer, who would be forced to fund both sides of the lawsuit. The minority believes that instead of determining the constitutionality of HB 89 through expensive, time consuming court proceedings, the more appropriate course of action would be to request an Opinion of the Justices concerning the constitutionality of HB 89. By requesting an Opinion of the Justices, we get the same question answered ("Is HB 89 constitutional or not?") quickly, definitively, and at very little expense to the taxpayer. The minority sees no shame in admitting that the supreme court is a higher constitutional authority than we, and the savings to the taxpayer in taking this approach shows that it is far more logical and responsible than passing HB 89 and engaging in the costly legal battle that would follow. For that reason, the minority supports tabling HB 89 while an Opinion of the Justices is rendered. Alternatively, the minority supports ITL.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Serlin spoke against and yielded to questions.

Rep. Cartwright spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 259 NAYS 107

YEAS 259

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin
Tobin, William	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Moore, Charles	Moore, Robert Jr
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pepino, Leo
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Parison, James
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Daniels, Gary
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hoell, J.R.
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Kotowski, Frank
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Cox, Sean
Kreis, Kenneth Sr
Palfrey, David
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Major, Norman
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Manuse, Andrew
O'Connor, John
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Mauro, Donna
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
McMahon, Charles
Oligny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle

Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Tucker, Pamela
Webb, James

Waddell, James
Welch, David

Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

Brown, Julie
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 107 BELKNAP

Millham, Alida

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris

Carr, Daniel
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meader, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Emerton, Larry
Gimas, John
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Gargaszy, Carolyn
Goley, Jeffrey
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Cote, David
Garrity, Patrick
Gorman, Mary
Long, Patrick
Rhodes, Brian

Drisko, Richard
Gidge, Kenneth
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
MacKay, James
Rice, Chip
Watrous, Rick

Foose, Robert
Hess, David
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
McKinney, Betsy
Pantelakos, Laura
Serlin, Christopher

Case, Frank
Moody, Marcia
Powers, James
Sytek, John

DiPentima, Rich
Ne vins, Chris
Read, Robin Jr

Gould, Kenneth
Norelli, Terie
Schlachman, Donna

STRAFFORD

Berube, Roger
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Browne, Brendon
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

Hofemann, Roland
Keans, Sandra
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

HB 145, permitting the audio and video recording of any public official while in the course of his or her official duties. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Warden for Criminal Justice and Public Safety: This bill is the result of extensive sub-committee work, testimony and input from a number of interested parties, including the Attorney General's office, police chiefs and the public. This bill promotes transparency and accountability among public officials and clarifies an ambiguous section of RSA 570:A that has been inconsistently applied, leading to arrests of people on felony wiretapping charges for simply recording routine traffic stops. Vote 13-4.

Amendment (0766h)

Amend the title of the bill by replacing it with the following:

AN ACT permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

Amend RSA 570-A:2, II(m) as inserted by section 1 of the bill by replacing it with the following:

(m) Any person to make an audio or video recording of a law enforcement officer in the course of his or her official duties; provided that:

(1) The person making the recording shall first give notification of the recording to the officer;

(2) The person making the recording is personally interacting with the officer or is recording the officer in a public area; and

(3) The act of recording does not interfere with the officer's ability to perform his or her official duties.

AMENDED ANALYSIS

This bill permits the audio and video recording of a law enforcement officer while in the course of his or her official duties.

Rep. Dan McGuire spoke in favor.

Rep. Stephen Palmer requested a roll call; sufficiently seconded.

YEAS 215 NAYS 151**YEAS 215****BELKNAP**

Bolster, Peter
Millham, Alida
Tilton, Franklin

Fields, Dennis
Russell, David
Tobin, William

Flanders, Donald
St. Cyr, Jeffrey

Luther, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

McConkey, Mark
Schmidt, Stephen

Merrow, Harry
Tregenza, Norman

CHESHIRE

Butynski, William
Emerson, Susan
Meador, David
Sad, Tara
Weber, Lucy

Byrnes, John
Hawkes, Samuel
Moore, Charles
Smith, Edwin

Carr, Daniel
Lerandean, Alfred
Moore, Robert Jr
Sterling, Franklin Jr

Dwinell, Richard
Lindsey, Steven
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Remick, William

Daugherty, Duffy
Richardson, Herbert

Hatch, William
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

GRAFTON

Almy, Susan
Gionet, Edmond
Pierce, David
Townsend, Charles

Bulis, Lyle
Harding, Laurie
Reilly, Harold Sr
White, Andrew

Cooney, Mary
Ladd, Rick Jr
Smith, Suzanne

Eaton, Stephanie
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Belanger, James
Cebrowski, John
Coughlin, Sean
Emerton, Larry
Gagne, Larry
Gonzalez, Carlos
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
Lambert, George
Messier, Irene
Ohm, Bill
Porter, Marjorie
Robbins, David
Silva, Peter

Baroody, Benjamin
Belvin, William
Champagne, Norma
Cusson-Cail, Kathleen
Erickson, Duane
Gargas, Carolyn
Gorman, Mary
Hikel, John
Hopper, Gary
Judy, Jean
LeBrun, Donald
Moran, Edward
Pellegrino, Tony
Pratt, Calvin
Rosenwald, Cindy
Stroud, Kathleen

Barry, J. Gail
Brown, Kevin
Christensen, D.L. Chris
Doherty, Shaun
Flanagan, Jack
Gidge, Kenneth
Graham, John
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Levasseur, Nickolas
Ober, Lynne
Pepino, Leo
Ramsey, Peter
Rowe, Robert
Whitehead, Randall

Barry, Richard
Buxton, Michael
Cote, David
Drisko, Richard
Fredette, Robert
Goley, Jeffrey
Haefner, Robert
Hogan, Edith
Infantine, William
Kurk, Neal
McCarthy, Michael
Ober, Russell III
Pilotte, Maurice
Reed, Michael
Scotsas, Lisa
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Lockwood, Priscilla
Patten, Dick

Bouchard, Candace
Hamm, Christine
MacKay, James
Reed, Dennis

Coffey, Jennifer
Hess, David
McDonnell, John
Richardson, Gary

Deloge, Helen
Kotowski, Frank
Palfrey, David
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Charron, Gene
Dowling, Patricia
Garcia, Marilinda
Hedd, James
Katsakiores, Phyllis
Moody, Marcia
Oigny, Jeffrey
Perkins, Amy
Read, Robin Jr
Sapareto, Frank
Sheffert, Kenneth
Waddell, James
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
Chirichiello, Brian
Elliott, Robert
Garrity, James
Hutchinson, Karen
Mauro, Donna
Murphy, Brian
Packard, Sherman
Perkins, Lawrence
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Waterhouse, Kevin

Antosz, Jason
Brown, Paul
Copeland, Timothy
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
McKinney, Betsy
Nevins, Chris
Pantelakos, Laura
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sullivan, James
Webb, James

Azarian, Gary
Case, Frank
Devine, James
Fesh, Robert
Griffin, Mary
Kappler, Lawrence
McMahon, Charles
O'Connor, John
Peckham, Michele
Quandt, Matt
Sanders, Elisabeth
Serlin, Christopher
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald
Cataldo, Sam
Hooper, Dorothea
Sprague, Dale

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Wall, Janet

Brown, Julie
Groen, Warren
Roberts, Jenna
Watters, David

Browne, Brendon
Hofemann, Roland
Schmidt, Peter
Weeden, Michael

SULLIVAN

LaCasse, Paul Sr	Laware, Thomas	Lovett, Charlene	Rodeschin, Beverly
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**NAYS 151
BELKNAP**

Accornero, Harry	Greemore, Robert	Malone, Robert	Pilliod, James
Simpson, Tyler	Worsman, Colette		

CARROLL

Babson, David Jr	Knox, J. David	McCarthy, Frank	Scala, Dino
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CHESHIRE

Cartwright, Anne	Hunt, John	Johnsen, Gladys	Johnson, Jane
Roberts, Kris			

COOS

Rappaport, Laurence	Theberge, Robert	Tremblay, Marc
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GRAFTON

Aguiar, James	Benn, Bernard	Bradley, Lester	Brosseau, Charles
Gould, Franklin	Ingbretson, Paul	Mirski, Paul	Nordgren, Sharon
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Ball, J. Michael	Bergevin, Jerry	Boehm, Ralph
Brownrigg, Randall Jr	Brunelle, Michael	Burt, John	Coffey, James
Daniels, Gary	DeJong, Cameron	Donovan, Daniel	Gandia, Laura
Garrity, Patrick	Gimas, John	Greazzo, Phil	Hansen, Peter
Hardwick, Harry	Holden, Frank	Katsiantonis, Thomas	Long, Patrick
Maltz, Jonathan	Marcus, Bruce	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Murphy, Keith	Notter, Jeanine	Palmer, Stephen
Parison, James	Peterson, Lenette	Proulx, Mark	Renzullo, Andrew
Rhodes, Brian	Rokas, Ted	Seidel, Carl	Shaw, Barbara
Simmons, Tammy	Soucy, Connie	Souza, Kathleen	Stepanek, Stephen
Swank, Matthew	Terrio, Ross	Thomas, Joseph	Twombly, Timothy
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark

MERRIMACK

Cohn, Seth	Cox, Sean	Foose, Robert	Frazer, June
Gile, Mary	Giuda, J. Brandon	Hoell, J.R.	Kidder, David
Kreis, Kenneth Sr	McGuire, Carol	McGuire, Dan	Owen, Derek
Potter, Frances	Rice, Chip	Richardson, Jon	Seaworth, G. Brian
Shurtleff, Stephen	Smith, Molly	Smith, Todd	Wallner, Mary Jane
Watrous, Rick	Williams, Robert	Winter, Steven	

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Cali-Pitts, Jacqueline	Comerford, Timothy
Davenport, Joshua	DeSimone, Debra	DiPentima, Rich	Duarte, Joe
Hagan, Joseph	Hoelzel, Kathleen	Itse, Daniel	Major, Norman
Manuse, Andrew	Norelli, Terie	Okerman, Richard	Powers, James
Reagan, John	Reichard, Kevin	Smith, William	Sullivan, Kevin
Sytek, John	Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella
Ward, Joanne	Wheaton, Gary		

STRAFFORD

DeLemus, Susan	Horrigan, Timothy	Jones, Kyle	Jones, Laura
Keans, Sandra	Larsen, Kirsten	Munck, Philip	Newton, Clifford
O'Connor, William	Panek, William	Parsons, Robbie	Pitre, Joseph
Spainhower, Dale	Spang, Judith	Vita, Carol	Vita, Lucien

SULLIVAN

Bowers, Spec
Howard, Thomas
Smith, Steven

Cloutier, John
Lefebvre, Benjamin

Cunningham, Steven
Osgood, Joe

Gagnon, Raymond
Schmidt, Andrew

and the committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 296 members having voted in the affirmative and 70 in the negative, the committee report was adopted.
Ordered to third reading.

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute. **OUGHT TO PASS.**

Rep. Phil J. Greazzo for Criminal Justice and Public Safety: This bill would expand the death penalty law to include murder committed during home invasions where the killing is premeditated. We believe that this legislation represents a necessary enhancement of protection for those in their homes who have the right to be safe and secure. It will achieve justice for victims and allow for deterrence to those who would enter the homes of others to murder them. This is a measured and responsible expansion of the NH death penalty statute. Vote 14-2.
Committee report adopted and ordered to third reading.

HB 207-FN, relative to physical force in defense of a person. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: This bill is one of many bills that are before the committee this session that would expand the "Castle Doctrine." The "Castle Doctrine" allows an individual to use deadly force within his home whenever an individual attempts to commit a felonious act against others. What this bill would permit is already allowed under RSA 627.4 II. Under current law there is a presumption that a person acted in self defense, the state must prove they didn't. There is also the concern that a person using deadly force in a public place could cause death or bodily harm to an innocent third party. Vote 11-6.

Rep. Pepino spoke against.

Rep. Shurtleff spoke in favor.

Committee report adopted.

HB 210-FN, relative to the use of deadly force to protect oneself. **OUGHT TO PASS.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: NH Citizens should not be forced to retreat when faced with serious bodily injury or death. Current NH law places an undue burden on a citizen having to make split second decisions on whether it is appropriate to use deadly force. While we do not think deadly force should be used lightly, citizens should not be put in a position of having to choose between defending themselves and/or possibly going to jail because they might be able to retreat, or face serious injury from an assailant. Vote 9-8.

Rep. Shurtleff spoke against.

Rep. Kreis spoke in favor.

Rep. Cunningham requested a roll call; sufficiently seconded.

YEAS 270 NAYS 92

YEAS 270

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Bolster, Peter
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Flanders, Donald
Pilliod, James
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Moore, Robert Jr

Cartwright, Anne
Johnson, Jane
Smith, Edwin

Dwinell, Richard
Lindsey, Steven
Sterling, Franklin Jr

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Simard, Paul

Brosseau, Charles
Ingbreton, Paul
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr
Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Ramsey, Peter
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gimas, John
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Reed, Michael
Scotsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Goley, Jeffrey
Haefner, Robert
Hikel, John
Holden, Frank
Jeudy, Jean
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Renzullo, Andrew
Seidel, Carl
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Daniels, Gary
Emerton, Larry
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Katsiantonis, Thomas
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Parison, James
Proulx, Mark
Robbins, David
Shaw, Barbara
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Hoell, J.R.
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Cohn, Seth
Keane, Thomas
McDonnell, John
Reed, Dennis
Smith, Molly

Cox, Sean
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Fesh, Robert
Hagan, Joseph
Introne, Robert
Major, Norman

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Manuse, Andrew

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Mauro, Donna

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
McKinney, Betsy

McMahon, Charles
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Waddell, James
Welch, David

Murphy, Brian
Oigny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Nevins, Chris
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Waterhouse, Kevin
Wheaton, Gary

O'Connor, John
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
DeLemus, Susan
Jones, Laura
Panek, William
Vita, Carol

Berube, Roger
Groen, Warren
Larsen, Kirsten
Parsons, Robbie
Vita, Lucien

Brown, Julie
Hofemann, Roland
Newton, Clifford
Pitre, Joseph
Weeden, Michael

Cataldo, Sam
Jones, Kyle
O'Connor, William
Sprague, Dale

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 92 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Carr, Daniel
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
White, Andrew

Almy, Susan
Harding, Laurie
Pierce, David

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Jasper, Shawn
Pilotte, Maurice
Rosenwald, Cindy

Brunelle, Michael
Garrity, Patrick
Kurk, Neal
Porter, Marjorie

Cote, David
Gidge, Kenneth
Long, Patrick
Rhodes, Brian

Drisko, Richard
Gorman, Mary
Pepino, Leo
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
MacKay, James
Rice, Chip
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary
Williams, Robert

Foose, Robert
Hess, David
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
 Moody, Marcia
 Read, Robin Jr

DiPentima, Rich
 Norelli, Terie
 Schlachman, Donna

Dowling, Patricia
 Pantelakos, Laura
 Serlin, Christopher

Gould, Kenneth
 Powers, James

STRAFFORD

Browne, Brendon
 Kaen, Naida
 Schmidt, Peter

Ginsburg, Philip
 Keans, Sandra
 Spainhower, Dale

Hooper, Dorothea
 Munck, Philip
 Wall, Janet

Horrigan, Timothy
 Roberts, Jenna
 Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the committee report was adopted and ordered to third reading.

Rep. Pepino voted Nay and intended to vote Yea.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Phil J. Greazzo for Criminal Justice and Public Safety: We the majority of the committee, firmly believe, once a person has their property taken during the course of any criminal investigation and are then found not guilty of any charges pending, they are entitled to get back any items taken from them. In the event these items are unduly withheld, the agency in possession of said items would then be fined for not returning the personal property taken. Vote 11-5.

Amendment (0541h)

Amend RSA 595-A:6, II as inserted by section 1 of the bill by replacing it with the following:

II. Upon the acquittal of or dismissal of criminal proceedings against a person charged with a crime or upon the disposal of criminal proceedings against a person by nol prosequi or upon a finding that no abuse has occurred in a proceeding against a person under RSA 173-B, any personal property owned by such person, including weapons, confiscated by a law enforcement agency or entity under this section shall be returned to the person by the law enforcement agency or entity that confiscated the personal property within 21 days of the date of the acquittal or dismissal or nol prosequi or determination of no finding. This section shall not apply to illegal contraband or to personal property that a person is prohibited from possessing under state or federal law. If after diligent efforts the agency or entity is unable to comply with this section, it may file a request with the court for an extension or exemption. Any agency or entity not complying with this paragraph shall pay a civil penalty of \$100 per day to the person for each day the agency or entity is in noncompliance, not to exceed a total civil penalty of \$10,000.

Rep. Tholl spoke against and yielded to questions.

Reps. Giuda and Greazzo spoke in favor.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Tholl requested a roll call; sufficiently seconded.

YEAS 295 NAYS 69

YEAS 295**BELKNAP**

Accornero, Harry
 Greemore, Robert
 Pilliod, James
 Swinford, Elaine

Bolster, Peter
 Luther, Robert
 Russell, David
 Tilton, Franklin

Fields, Dennis
 Malone, Robert
 Simpson, Tyler
 Tobin, William

Flanders, Donald
 Millham, Alida
 St. Cyr, Jeffrey
 Worsman, Colette

CARROLL

Ahlgren, Christopher
 Knox, J. David
 Patten, Betsey
 Umberger, Karen

Babson, David Jr
 McCarthy, Frank
 Pettengill, Laurie

Chandler, Gene
 McConkey, Mark
 Schmidt, Stephen

Fleck, Joseph
 Merrow, Harry
 Tregenza, Norman

CHESHIRE

Butynski, William
Emerson, Susan
Lindsey, Steven
Roberts, Kris

Byrnes, John
Hunt, John
Moore, Charles
Smith, Edwin

Cartwright, Anne
Johnsen, Gladys
Moore, Robert Jr
Sterling, Franklin Jr

Dwinell, Richard
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Richardson, Herbert

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Remick, William
Tremblay, Marc

GRAFTON

Aguiar, James
Cooney, Mary
Ingbreton, Paul
Simard, Paul
Townsend, Charles

Bradley, Lester
Eaton, Stephanie
Ladd, Rick Jr
Smith, Suzanne

Brosseau, Charles
Gionet, Edmond
Mirski, Paul
Sorg, Gregory

Bulis, Lyle
Gould, Franklin
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Parison, James
Pratt, Calvin
Renzullo, Andrew
Scotsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Proulx, Mark
Rhodes, Brian
Seidel, Carl
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Flanagan, Jack
Gimas, John
Hansen, Peter
Hinch, Richard
Hopper, Gary
Judy, Jean
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Pepino, Leo
Ramsey, Peter
Robbins, David
Shaw, Barbara
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Daniels, Gary
Drisko, Richard
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Katsiantonis, Thomas
Levasseur, Nickolas
McClarren, Donald
Moran, Edward
Palmer, Stephen
Peterson, Lenette
Reed, Michael
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Giuda, J. Brandon
Kidder, David
McDonnell, John
Patten, Dick
Seaworth, G. Brian

Cohn, Seth
Hess, David
Kotowski, Frank
McGuire, Carol
Reed, Dennis
Smith, Molly

Cox, Sean
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Dan
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Davenport, Joshua

Antosz, Jason
Bettencourt, David
Charron, Gene
DeSimone, Debra

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James

Dowling, Patricia
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
McKinney, Betsy
O'Connor, John
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Webb, James

Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Welch, David

Elliott, Robert
Garrity, James
Headd, James
Itse, Daniel
Manuse, Andrew
Murphy, Brian
Oligny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Schlachman, Donna
Smith, William
Tamburello, Daniel
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
DeLemus, Susan
Jones, Laura
Newton, Clifford
Pitre, Joseph
Watters, David

Berube, Roger
Groen, Warren
Kaen, Naida
O'Connor, William
Sprague, Dale
Weeden, Michael

Brown, Julie
Hooper, Dorothea
Larsen, Kirsten
Panek, William
Vita, Carol

Cataldo, Sam
Jones, Kyle
Munck, Philip
Parsons, Robbie
Vita, Lucien

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Osgood, Joe

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Smith, Steven

Howard, Thomas
Lovett, Charlene

NAYS 69

BELKNAP

None

CARROLL

Scala, Dino

CHESHIRE

Carr, Daniel
Sad, Tara

Hawkes, Samuel
Weber, Lucy

Lerandeau, Alfred

Meador, David

COOS

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Pastor, Beatriz

Benn, Bernard
Pierce, David

Harding, Laurie
Taylor, Kathleen

Nordgren, Sharon
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
LeBrun, Donald
Rokas, Ted

Brunelle, Michael
Gidge, Kenneth
Long, Patrick
Rosenwald, Cindy

Cote, David
Goley, Jeffrey
Pilotte, Maurice

Gandia, Laura
Gorman, Mary
Porter, Marjorie

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
Rice, Chip
Watrous, Rick

Foose, Robert
MacKay, James
Richardson, Gary
Williams, Robert

Frazer, June
Owen, Derek
Shurtleff, Stephen

ROCKINGHAM

Case, Frank
Norelli, Terie
Serlin, Christopher

Copeland, Timothy
Pantelakos, Laura
Waddell, James

DiPentima, Rich
Powers, James
Ward, Joanne

Moody, Marcia
Read, Robin Jr

STRAFFORD

Browne, Brendon
Keans, Sandra
Wall, Janet

Ginsburg, Philip
Roberts, Jenna

Hofemann, Roland
Schmidt, Peter

Horrigan, Timothy
Spainhower, Dale

SULLIVAN

Gagnon, Raymond

Schmidt, Andrew

and the committee report was adopted and ordered to third reading.

The House recessed at 11:40 a.m.

RECESS**(Speaker O'Brien in the Chair)**

The House reconvened at 1:20 p.m.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

REGULAR CALENDAR (CONT'D)

HB 235, relative to the right to possess a firearm in one's personal motor vehicle. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: A majority of the committee believes that this bill has many flaws. It takes away a business owners right to tell people they can not have guns on their property. The committee believes we should not mandate business owners property rights, particularly since they would be liable for what happens on their property. Vote 9-8. On a division vote, 183 members having voted in the affirmative and 29 in the negative, the committee report was adopted by the necessary two-thirds vote.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

REGULAR CALENDAR (CONT'D)

HB 330-FN, relative to carrying firearms. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Warden for Criminal Justice and Public Safety: This bill permits most people to carry a firearm open or concealed, loaded or unloaded, without the requirement of a license. This bill complies with Art. 2-a, Part I of the N.H. constitution, protecting a person's right to keep and bear arms, while also recognizing law enforcement's requests to prohibit certain persons from obtaining a license. The bill extends the license renewal period from 4 to 5 years, saving time for both citizens and police departments. It also restores the non-resident license and reduces the cost from \$100 to \$50. These fees will pay for the resident license forms. A non-resident who pays for a NH license will then have the advantage of the reciprocity that NH currently enjoys with approximately 20 other states. Vote 11-6.

Amendment (0637h)

Amend the bill by replacing all after section 1 with the following:

2 Pistols and Revolvers; Carrying Without License. RSA 159:4 is repealed and reenacted to read as follows:

159:4 Carrying Without License.

I. Notwithstanding any provision of law to the contrary, no person who is 18 years of age or older shall be guilty of an offense for carrying a firearm, openly or concealed, loaded or unloaded, upon or about his or her person, or upon or in a vehicle, whether or not such person possesses a license, permit, or other authorization to carry a firearm.

II. The provisions of paragraph I shall not constitute a bar to prosecution for any of the following offenses:

- (a) RSA 159:3, relative to convicted felons.
- (b) RSA 159:3-a, relative to armed career criminals.
- (c) RSA 159:19, relative to courthouse security.
- (d) RSA 207:7, relative to hunting from a motor vehicle, OHRV, snowmobile, boat, or aircraft.
- (e) RSA 215-A:20, relative to loaded firearms on an OHRV.
- (f) RSA 215-C:35, relative to loaded firearms on a snowmobile.
- (g) RSA 637:7, relative to receiving stolen property.
- (h) RSA 637:7-a, relative to possession of property without a serial number.
- (i) RSA 597:7-a, relative to default or breach of conditions of release.
- (j) Any unlawful act prohibited by 18 U.S.C. section 922.

3 Pistols and Revolvers; Exceptions. Amend RSA 159:5 to read as follows:

159:5 Exceptions. ~~[The provisions of]~~ RSA 159:3 ~~[and 4]~~ shall not apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the armed services of the United States when on duty; nor to the national guard when on duty; nor to organizations by law authorized to purchase or receive such weapons; nor to duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from, their customary places of assembly.

4 Pistols and Revolvers; Optional License to Carry. Amend RSA 159:6, I to read as follows:

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a non-resident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than ~~[4]~~ 5 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for ~~[4]~~ 5 years. When required, license renewal shall take place within the month of the ~~[fourth]~~ fifth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be ~~[\$100]~~ \$50, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. ***The form shall require no more information than was required on the state of New Hampshire application for pistol/revolver license, form DSSP 85, as revised in December 2009.*** No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

5 Pistols and Revolvers; Reciprocity. Amend RSA 159:6-d to read as follows:

159:6-d Full Faith and Credit for Licenses From Other States; Reciprocity. ~~[Notwithstanding the provisions of RSA 159:6,]~~ No nonresident ~~[holding a current and valid license to carry a loaded pistol or revolver in the state in which he resides]~~ or ~~[who is a]~~ peace officer ~~[in the state in which he resides,]~~ shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

I. Such nonresident carries upon his person the license held from the state in which he resides; ~~[and] or~~

II. Such nonresident is in compliance with RSA 159:4; or

~~[H.] III.~~ The state in which such person is a resident provides a reciprocal privilege for residents of this state.

6 Pistols and Revolvers; Exemption. Amend RSA 159:14 to read as follows:

159:14 Exemption. None of the provisions of this chapter shall prohibit an individual not licensed under the provisions thereof who is not engaged in the business of selling pistols or revolvers from selling a pistol or revolver to a person **qualified pursuant to RSA 159:4, or who is** licensed under this chapter, or to a person personally known to him **or her**.

7 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:

V. The licensee shall not be entitled to carry any firearms while hunting under the provisions of this section, unless such licensee also possesses a valid firearms hunting license ~~[or a valid license to carry firearms issued pursuant to RSA 159]~~ **or is otherwise qualified pursuant to RSA 159:4.**

8 Repeal. RSA 21-P:14, II(f), relative to the authority of the commissioner of the department of safety to adopt rules relative to the issuance of nonresident pistol permits, is repealed.

9 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded, on or about his or her person or upon or in a vehicle.

II. Removes, under certain circumstances, the requirement that nonresidents obtain a license to possess a firearm while in New Hampshire.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Burt offered floor amendment (0775h).

Floor Amendment (0775h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to carrying a concealed weapon without a license.

Amend the bill by replacing all after the enacting clause with the following:

1 Pistols and Revolvers; Exceptions. Amend RSA 159:5 to read as follows:

159:5 Exceptions. The provisions of RSA 159:3 ~~[and 4]~~ shall not apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the armed services of the United States when on duty; nor to the national guard when on duty; nor to organizations by law authorized to purchase or receive such weapons; nor to duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from, their customary places of assembly.

2 Repeal. RSA 159:4, relative to the prohibition on carrying a pistol or revolver without a license, is repealed.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals the statute that prohibits carrying a concealed pistol or revolver without a license.
Rep. Burt spoke in favor.

Rep. Kreis spoke against.

On a division vote, 41 members having voted in the affirmative and 261 in the negative, floor amendment (0775h) failed.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Welch offered floor amendment (0811h).

Floor Amendment (0811h)

Amend RSA 159:4, II as inserted by section 2 of the bill by deleting subparagraph (j).

Rep. Welch spoke in favor and yielded to questions.

Floor amendment (0811h) adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
 Reps. Cunningham and Tholl spoke in favor.
 Rep. Pepino spoke against and yielded to questions.
 Rep. Swinford spoke in favor and yielded to questions.
 Rep. Cunningham requested a roll call; sufficiently seconded.

YEAS 244 NAYS 109**YEAS 244****BELKNAP**

Accornero, Harry	Fields, Dennis	Flanders, Donald	Greemore, Robert
Luther, Robert	Malone, Robert	Millham, Alida	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin
Tobin, William	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Hawkes, Samuel	Hunt, John
Lindsey, Steven	Moore, Charles	Moore, Robert Jr	Sterling, Franklin Jr

COOS

Coulombe, Gary	Daugherty, Duffy	Merrick, Evalyn	Rappaport, Laurence
Remick, William	Richardson, Herbert	Tholl, John Jr	Tremblay, Marc

GRAFTON

Bradley, Lester	Brosseau, Charles	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Simard, Paul	Sorg, Gregory	Sova, Charles	Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris
Christiansen, Lars	Coffey, James	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Emerton, Larry
Erickson, Duane	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gargas, Carolyn	Gidge, Kenneth	Gonzalez, Carlos	Graham, John
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Hogan, Timothy	Holden, Frank	Hopper, Gary	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	Lambert, George
Maltz, Jonathan	Marcus, Bruce	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Messier, Irene	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Parison, James	Pellegrino, Tony	Pepino, Leo
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Renzullo, Andrew
Robbins, David	Rowe, Robert	Seidel, Carl	Shaw, Barbara
Silva, Peter	Simmons, Tammy	Soucy, Connie	Stepanek, Stephen
Stroud, Kathleen	Swank, Matthew	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Uler, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Dan
Sanborn, Laurie

Coffey, Jennifer
Hess, David
Lauer-Rago, Kathleen
Palfrey, David
Seaworth, G. Brian

Cohn, Seth
Keane, Thomas
Lockwood, Priscilla
Reed, Dennis
Smith, Molly

Cox, Sean
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
Oligny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Ward, Joanne
Weyler, Kenneth

Allen, Mary
Bates, David
Charron, Gene
DeSimone, Debra
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Major, Norman
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Waterhouse, Kevin
Wheaton, Gary

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Manuse, Andrew
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Smith, William
Tamburello, Daniel
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garritty, James
Headd, James
Kappler, Lawrence
Mauro, Donna
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Carol

Cataldo, Sam
Jones, Laura
Panek, William
Vita, Lucien

DeLemus, Susan
Larsen, Kirsten
Parsons, Robbie
Weeden, Michael

Groen, Warren
Newton, Clifford
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 109**BELKNAP**

Bolster, Peter

Pilliod, James

CARROLL

Babson, David Jr

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Carr, Daniel
Meador, David
Smith, Edwin

Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

Johnson, Jane
Roberts, Kris
Weber, Lucy

COOS

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Cooney, Mary
Pastor, Beatriz
White, Andrew

Almy, Susan
Gould, Franklin
Pierce, David

Benn, Bernard
Harding, Laurie
Smith, Suzanne

Bulis, Lyle
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Coughlin, Sean	Drisko, Richard	Flanagan, Jack	Garrity, Patrick
Gimas, John	Goley, Jeffrey	Gorman, Mary	Hutchinson, Winfred
Jeady, Jean	Katsiantonis, Thomas	LeBrun, Donald	Levasseur, Nickolas
Long, Patrick	Pilotte, Maurice	Porter, Marjorie	Reed, Michael
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Scotsas, Lisa
Souza, Kathleen			

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hoell, J.R.	Kidder, David
MacKay, James	McDonnell, John	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Shurtleff, Stephen
Smith, Todd	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	Copeland, Timothy	DiPentima, Rich
Elliott, Robert	Moody, Marcia	Murphy, Brian	Norelli, Terie
Pantelakos, Laura	Powers, James	Read, Robin Jr	Schlachman, Donna
Tremblay, Stella	Waddell, James		

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Hofemann, Roland
Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Munck, Philip	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
 and the committee report was adopted and ordered to third reading.
 Rep. Emerson did not vote and notified the Clerk that she wished to be recorded in favor.

HB 378-FN*, inserting an exception to the criminal threatening statute. **OUGHT TO PASS WITH AMENDMENT.*

Rep. David A. Welch for Criminal Justice and Public Safety: This bill adds to the criminal threatening statutes an exception for a person who responds to a trespasser who refuses to leave his or her property and displays a firearm to with an intent to warn away the trespasser that he or she shall not have committed a criminal act. It further amends the sentencing statutes to change “shall” to “may” to eliminate the mandatory 3 year sentence for the commission of a felony an element of which is the use of a firearm. Another part of the amendment defines non-deadly force as the display, producing or pointing a weapon without firing such weapon. Deadly force is currently defined as firing a firearm at a person or vehicle. Vote 13-3.

Amendment (0582h)

Amend the title of the bill by replacing it with the following:

AN ACT inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of “non-deadly” force.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Sentences and Limitations. Amend RSA 651:2, II-g to read as follows:

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years’ imprisonment in lieu of any other sentence prescribed for the crime. The person [~~shall~~] **may** be given a minimum [~~mandatory~~] sentence of not less than 3 years’ imprisonment for a first offense and a minimum [~~mandatory~~] sentence of not less than 6 years’ imprisonment if

such person has been previously convicted of any state or federal offense for which the maximum penalty provided was imprisonment in excess of one year, and an element of which was the possession, use or attempted use of a firearm. Neither the whole nor any part of the minimum sentence imposed under this paragraph shall be suspended or reduced.

3 Justification; Definitions. Amend RSA 627:9, IV to read as follows:

IV. "Non-deadly force" means any assault or confinement which does not constitute deadly force. *The act of producing, displaying, or pointing a weapon shall constitute non-deadly force.*

AMENDED ANALYSIS

This bill provides that a person who is on his or her own property and who responds to a trespasser who refuses to leave and displays a firearm or other means of self-defense with the intent to warn away the person making the threat shall not have committed criminal threatening. The bill also removes the minimum mandatory sentence for conviction of a felony involving the possession, use, or attempted use of a firearm, and makes the sentence for such a felony conviction discretionary. Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Pepino offered floor amendment (0864h).

Floor Amendment (0864h)

Amend the title of the bill by replacing it with the following:

AN ACT inserting an exception to the criminal threatening statute and relative to the definition of "non-deadly" force.

Amend the bill by deleting section 2 and renumbering the original sections 3-4 to read as 2-3, respectively.

AMENDED ANALYSIS

This bill provides that a person who is on his or her own property and who responds to a trespasser who refuses to leave and displays a firearm or other means of self-defense with the intent to warn away the person making the threat shall not have committed criminal threatening.

Rep. Pepino spoke in favor.

Rep. Welch spoke against.

Floor amendment (0864h) failed.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 304 NAYS 54

YEAS 304

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Tobin, William

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Butynski, William
Emerson, Susan
Johnson, Jane
Moore, Robert Jr
Weber, Lucy

Byrnes, John
Hawkes, Samuel
Lerandeau, Alfred
Smith, Edwin

Cartwright, Anne
Hunt, John
Lindsey, Steven
Sterling, Franklin Jr

Dwinell, Richard
Johnsen, Gladys
Moore, Charles
Tatro, Bruce

COOS

Coulombe, Gary
Remick, William
Thomas, Yvonne

Daugherty, Duffy
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Almy, Susan
Cooney, Mary
Ladd, Rick Jr
Smith, Suzanne
Townsend, Charles

Bradley, Lester
Eaton, Stephanie
Mirski, Paul
Sorg, Gregory
White, Andrew

Brosseau, Charles
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Ingbretson, Paul
Simard, Paul
Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Fredette, Robert
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hopper, Gary
Judy, Jean
Lambert, George
Marcus, Bruce
Messier, Irene
Parison, James
Porter, Marjorie
Renzullo, Andrew
Seidel, Carl
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Barry, Richard
Brown, Kevin
Cebrowski, John
Coffey, James
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Gimas, John
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Katsiantonis, Thomas
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Pellegrino, Tony
Pratt, Calvin
Robbins, David
Shaw, Barbara
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Krasucki, Joseph
Levasseur, Nickolas
McGuinness, Sean
Notter, Jeanine
Pepino, Leo
Proulx, Mark
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Baroody, Benjamin
Belvin, William
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Flanagan, Jack
Gargas, Carolyn
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Kurk, Neal
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Reed, Michael
Scoutsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Major, Norman

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Manuse, Andrew

Antosz, Jason
Bettencourt, David
Charron, Gene
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Mauro, Donna

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy

Murphy, Brian
 Oligny, Jeffrey
 Quandt, Marshall
 Rice, Frederick
 Schlachman, Donna
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

Nevins, Chris
 Packard, Sherman
 Quandt, Matt
 Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

O'Connor, John
 Pantelakos, Laura
 Reagan, John
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin
 Wheaton, Gary

Okerman, Richard
 Peckham, Michele
 Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

STRAFFORD

Andolina, Donald
 Hofemann, Roland
 Keans, Sandra
 O'Connor, William
 Roberts, Jenna
 Vita, Carol

Cataldo, Sam
 Jones, Kyle
 Larsen, Kirsten
 Panek, William
 Spainhower, Dale
 Vita, Lucien

DeLemus, Susan
 Jones, Laura
 Munck, Philip
 Parsons, Robbie
 Spang, Judith
 Watters, David

Groen, Warren
 Kaen, Naida
 Newton, Clifford
 Pitre, Joseph
 Sprague, Dale
 Weeden, Michael

SULLIVAN

Bowers, Spec
 Howard, Thomas
 Lovett, Charlene

Cloutier, John
 LaCasse, Paul Sr
 Osgood, Joe

Cunningham, Steven
 Laware, Thomas
 Rodeschin, Beverly

Gagnon, Raymond
 Lefebvre, Benjamin
 Smith, Steven

NAYS 54 BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel
 Sad, Tara

Meador, David

Parkhurst, Henry

Roberts, Kris

COOS

Hatch, William

GRAFTON

Aguir, James
 Nordgren, Sharon

Benn, Bernard
 Pastor, Beatriz

Gould, Franklin
 Pierce, David

Harding, Laurie

HILLSBOROUGH

Brunelle, Michael
 Long, Patrick
 Rosenwald, Cindy

Campbell, David
 Pilotte, Maurice

Cote, David
 Rhodes, Brian

Garrity, Patrick
 Rokas, Ted

MERRIMACK

Bouchard, Candace
 Frazer, June
 Patten, Dick
 Shurtleff, Stephen

Deloge, Helen
 Gile, Mary
 Potter, Frances
 Wallner, Mary Jane

DeStefano, Stephen
 MacKay, James
 Rice, Chip
 Watrous, Rick

Foose, Robert
 Owen, Derek
 Richardson, Gary
 Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
 Norelli, Terie

Copeland, Timothy
 Powers, James

DiPentima, Rich
 Read, Robin Jr

Moody, Marcia
 Serlin, Christopher

STRAFFORD

Berube, Roger
 Horrigan, Timothy

Browne, Brendon
 Schmidt, Peter

Ginsburg, Philip
 Wall, Janet

Hooper, Dorothea

SULLIVAN

Schmidt, Andrew

and the committee report was adopted and ordered to third reading.

Rep. Campbell voted Nay and intended to vote Yea.

HB 478-FN-L, relative to testimony by video teleconference. **OUGHT TO PASS.**

Rep. Phil J. Greazzo for Criminal Justice and Public Safety: The committee recommended that this bill Ought to Pass because of the significant savings it will provide to cities and towns when officers and others are relieved of the burden of taking time off to travel to hearings in Concord in district and superior court in motor vehicle cases. Video teleconference will provide similar savings for state laboratory personnel and will relieve parties who have left the state from the expense and time required to appear in person. Vote 17-0.

Committee report adopted and ordered to third reading.

HB 524-FN, excluding persons convicted of violent crimes from mandatory early release on probation or parole. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Phil J. Greazzo for the Majority of Criminal Justice and Public Safety: This bill seeks to address the serious flaws contained within SB 500, which was passed last session. Specifically, it seeks to ensure that violent or sex offenders are not released earlier than is warranted in their individual cases. Additionally, under the bill the discretion of our state's parole board is restored. Violent and sex offenders should not be automatically released early from their sentences without a specific review of their status and determination by the parole board that a release is appropriate. Parole violators also should not face merely a 90-day return to incarceration following their violations. Rather, they should be again released earlier than their full sentences when the parole board believes that release is appropriate. Vote 12-4.

Rep. Stephen J. Shurtleff for the Minority of Criminal Justice and Public Safety: This bill would make a critical and crippling change to SB 500. The bill would mandate that individuals convicted of sex offenses and crimes of violence would not be eligible for mandatory supervised release. There is no disagreement that minor changes in the law need to be made, especially in the area of the time to be served by parolees sent back to prison for technical parole violations. A former speaker testified against this bill and said "There are some issues that are truly bipartisan, and public safety is one of them." The current law requires focused supervision and treatment of offenders most likely to reoffend. There are provisions in the current law for quick and certain sanctions for those that violate the provisions of mandatory release. Also speaking against this bill was the attorney general, who told the committee that last year, before the bill went into effect, 225 inmates "maxed out." These inmates completed their sentence and walked out of the prison doors without any supervision whatsoever. The director of community corrections told the committee that although the current law has been in effect for less than a year, the positive results are obvious. The prison population has already been reduced by 150 inmates. Housing an inmate costs the taxpayers of this state \$33,000 each. This reduction in population is a tremendous savings to the people of New Hampshire.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Jennifer Coffey offered floor amendment (0789h).

Floor Amendment (0789h)

Amend the bill by replacing all after section 4 with the following:

5 Applicability. Section 1 of this act shall take effect one year after the effective date of this act, or on the date when the commissioner of the department of corrections furnishes written certification to the secretary of state and the director of legislative services that all counties in the state have notified the commissioner that sufficient services are available to manage those prisoners released on parole, whichever is later.

6 Effective Date.

I. Section 1 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Excludes a prisoner convicted of a violent crime from mandatory early supervised release.

II. Authorizes the parole board to recommit a person who reoffends while on mandatory early supervised release for a minimum of 90 days or up to the remainder of the person's maximum sentence.

III. Delays the parole of nonviolent prisoners for one year or upon certification by all counties in the state that sufficient services have been implemented to manage such prisoners while on parole, whichever is later.

Rep. Jennifer Coffey spoke in favor and yielded to questions.

Floor amendment (0789h) adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Shurtleff moved Recommit, spoke in favor and yielded to questions.

Rep. Greazzo spoke against.

Rep. Cox requested a roll call; sufficiently seconded.

YEAS 114 NAYS 245

YEAS 114 BELKNAP

None

CARROLL

Umberger, Karen

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris

Dwinell, Richard
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meader, David
Tatro, Bruce

COOS

Coulombe, Gary
Remick, William

Daugherty, Duffy
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

GRAFTON

Aguiar, James
Gould, Franklin
Simard, Paul
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Pastor, Beatriz
Taylor, Kathleen

Cooney, Mary
Pierce, David
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Goley, Jeffrey
Katsiantonis, Thomas
Messier, Irene
Rokas, Ted
Warden, Mark

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Kurk, Neal
Pilotte, Maurice
Rosenwald, Cindy

Campbell, David
Gidge, Kenneth
Hansen, Peter
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara

Cote, David
Gimas, John
Judy, Jean
Long, Patrick
Rhodes, Brian
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
MacKay, James
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
McDonnell, John
Rice, Chip
Watrous, Rick

Foose, Robert
Kidder, David
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Powers, James
Sytek, John

DiPentima, Rich
Moody, Marcia
Read, Robin Jr
Waddell, James

Dowling, Patricia
Norelli, Terie
Schlachman, Donna
Ward, Joanne

Gould, Kenneth
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

Berube, Roger
Hofemann, Roland
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Domingo, Baldwin
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 245**BELKNAP**

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Tobin, William

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Ingretson, Paul
Sorg, Gregory

Bulis, Lyle
Ladd, Rick Jr
Sova, Charles

Eaton, Stephanie
Mirski, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Cebrowski, John
Coffey, James
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Parison, James
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Whitehead, Randall

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Willette, Robert

Ball, J. Michael
Belvin, William
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Notter, Jeanine
Pepino, Leo
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Fredette, Robert
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Hess, David
Kreiss, Kenneth Sr
Palfrey, David
Seaworth, G. Brian

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
Reed, Dennis
Smith, Molly

Cox, Sean
Keane, Thomas
McGuire, Carol
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin
Wheaton, Gary

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Mariiinda
Headd, James
Kappeler, Lawrence
Mauro, Donna
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Webb, James

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Carol

Cataldo, Sam
Jones, Laura
Pannek, William
Vita, Lucien

DeLemus, Susan
Munck, Philip
Parsons, Robbie
Weeden, Michael

Groen, Warren
Newton, Clifford
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven
and the motion failed.

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Jennifer Coffey requested a roll call; sufficiently seconded.

YEAS 264 NAYS 97**YEAS 264****BELKNAP**

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Tobin, William

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Moore, Charles

Cartwright, Anne
Johnsen, Gladys
Moore, Robert Jr

Dwinell, Richard
Johnson, Jane
Smith, Edwin

Emerson, Susan
Lindsey, Steven
Sterling, Franklin Jr

COOS

Coulombe, Gary
Richardson, Herbert

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Remick, William
Tremblay, Marc

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Ladd, Rick Jr
Sova, Charles

Eaton, Stephanie
Mirski, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Cebrowski, John
Coffey, James
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Katsiantonis, Thomas
Levasseur, Nickolas
McGuinness, Sean
Ohm, Bill
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Whitehead, Randall

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy

Ball, J. Michael
Belvin, William
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Lambert, George
Marcus, Bruce
Murphy, Keith
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Jeudy, Jean
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abraham, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Major, Norman
Murphy, Brian
Oigny, Jeffrey

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Manuse, Andrew
Nevins, Chris
Packard, Sherman

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Mauro, Donna
O'Connor, John
Peckham, Michele

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
Okerman, Richard
Quandt, Marshall

Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Waterhouse, Kevin
Wheaton, Gary

Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
Groen, Warren
Larsen, Kirsten
Panek, William
Vita, Lucien

Brown, Julie
Hofemann, Roland
Munck, Philip
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Pitre, Joseph

DeLemus, Susan
Jones, Laura
O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 97 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Meador, David
Tatro, Bruce

Carr, Daniel
Parkhurst, Henry
Weber, Lucy

Hawkes, Samuel
Roberts, Kris

Lerandeau, Alfred
Sad, Tara

COOS

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Simard, Paul
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Pastor, Beatriz
Taylor, Kathleen

Cooney, Mary
Pierce, David
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Gorman, Mary
Pepino, Leo
Rokas, Ted
Warden, Mark

Brunelle, Michael
Gidge, Kenneth
Kurk, Neal
Pilotte, Maurice
Rosenwald, Cindy
Willette, Robert

Campbell, David
Gimas, John
Long, Patrick
Porter, Marjorie
Shaw, Barbara

Cote, David
Goley, Jeffrey
Messier, Irene
Rhodes, Brian
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Read, Robin Jr
Waddell, James

DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Gould, Kenneth
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James
Sytek, John

STRAFFORD

Berube, Roger
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Browne, Brendon
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Domingo, Baldwin
Kaen, Naida
Spainhower, Dale
Watters, David

Ginsburg, Philip
Keans, Sandra
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

HB 567, relative to physical force in defense of a person. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: This bill would expand the "Castle Doctrine," the right to use deadly force within one's home. As the assistant attorney general said in testimony, "This (bill) is an impenetrable morass of law." The bill would grant immunity from criminal prosecution. The term "criminal prosecution" as defined includes arresting, detaining in custody, charging or prosecuting a defendant. This bill would have a chilling effect on law enforcement, as well as state or county prosecutors. Furthermore, the bill grants immunity from a civil action. A person under this bill could, in using deadly force, injure an innocent third person. That innocent individual would be barred from seeking relief in the courts. Vote 11-6.

Rep. LaCasse requested a roll call; sufficiently seconded.

YEAS 233 NAYS 122

YEAS 233**BELKNAP**

Bolster, Peter
Luther, Robert
Swinford, Elaine

Fields, Dennis
Millham, Alida
Tobin, William

Flanders, Donald
Russell, David

Greemore, Robert
St. Cyr, Jeffrey

CARROLL

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Pettengill, Laurie
Umberger, Karen

Knox, J. David
Scala, Dino

CHESHIRE

Butynski, William
Johnsen, Gladys
Moore, Robert Jr
Smith, Edwin

Carr, Daniel
Lerandeau, Alfred
Parkhurst, Henry
Sterling, Franklin Jr

Dwinell, Richard
Lindsey, Steven
Roberts, Kris
Tatro, Bruce

Hawkes, Samuel
Meador, David
Sad, Tara
Weber, Lucy

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Remick, William
Tremblay, Marc

GRAFTON

Aguilar, James
Cooney, Mary
Ingbreton, Paul
Reilly, Harold Sr
Townsend, Charles

Almy, Susan
Eaton, Stephanie
Nordgren, Sharon
Simard, Paul
White, Andrew

Benn, Bernard
Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

Bradley, Lester
Harding, Laurie
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brunelle, Michael
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Gagne, Larry

Baroody, Benjamin
Belvin, William
Buxton, Michael
Christiansen, Lars
DeJong, Cameron
Gargas, Carolyn

Barry, J. Gail
Boehm, Ralph
Campbell, David
Coffey, James
Drisko, Richard
Garrity, Patrick

Barry, Richard
Brown, Kevin
Champagne, Norma
Cote, David
Emerton, Larry
Gidge, Kenneth

Gimas, John
 Graham, John
 Hikel, John
 Katsiantonis, Thomas
 Long, Patrick
 Ohm, Bill
 Porter, Marjorie
 Rokas, Ted
 Seidel, Carl
 Terrio, Ross

Goley, Jeffrey
 Greazzo, Phil
 Infantine, William
 Kurk, Neal
 Maltz, Jonathan
 Pellegrino, Tony
 Pratt, Calvin
 Rosenwald, Cindy
 Shaw, Barbara
 Twombly, Timothy

Gonzalez, Carlos
 Haefner, Robert
 Jasper, Shawn
 LeBrun, Donald
 Marcus, Bruce
 Pepino, Leo
 Rhodes, Brian
 Rowe, Robert
 Souza, Kathleen
 Ulery, Jordan

Gorman, Mary
 Hawkins, Kenneth
 Jeudy, Jean
 Levasseur, Nickolas
 Messier, Irene
 Pilotte, Maurice
 Robbins, David
 Scotsas, Lisa
 Stepanek, Stephen
 Warden, Mark

MERRIMACK

Bouchard, Candace
 Foose, Robert
 Hess, David
 Kotowski, Frank
 McDonnell, John
 Reed, Dennis
 Sanborn, Laurie

Coffey, Jennifer
 Frazer, June
 Hoell, J.R.
 Kreis, Kenneth Sr
 Owen, Derek
 Rice, Chip
 Shurtleff, Stephen

Deloge, Helen
 Gile, Mary
 Keane, Thomas
 Lockwood, Priscilla
 Patten, Dick
 Richardson, Gary
 Wallner, Mary Jane

DeStefano, Stephen
 Hamm, Christine
 Kidder, David
 MacKay, James
 Potter, Frances
 Richardson, Jon
 Williams, Robert

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Case, Frank
 Davenport, Joshua
 Dowling, Patricia
 Garrity, James
 Hutchinson, Karen
 Moody, Marcia
 Okerman, Richard
 Peckham, Michele
 Sanders, Elisabeth
 Sheffert, Kenneth
 Waterhouse, Kevin

Allen, Mary
 Birdsell, Regina
 Charron, Gene
 DeSimone, Debra
 Elliott, Robert
 Gould, Kenneth
 Lovejoy, Patricia
 Nevins, Chris
 Oligny, Jeffrey
 Powers, James
 Schlachman, Donna
 Sullivan, James
 Webb, James

Antosz, Jason
 Brown, Paul
 Chirichiello, Brian
 Devine, James
 Fesh, Robert
 Griffin, Mary
 Mauro, Donna
 Norelli, Terie
 Packard, Sherman
 Read, Robin Jr
 Sedensky, John
 Tucker, Pamela
 Welch, David

Azarian, Gary
 Cali-Pitts, Jacqueline
 Copeland, Timothy
 DiPentima, Rich
 Garcia, Marilinda
 Headd, James
 McKinney, Betsy
 O'Connor, John
 Pantelakos, Laura
 Rice, Frederick
 Serlin, Christopher
 Waddell, James

STRAFFORD

Andolina, Donald
 Cataldo, Sam
 Horrigan, Timothy
 Parsons, Robbie
 Spang, Judith
 Weeden, Michael

Berube, Roger
 Ginsburg, Philip
 Kaen, Naida
 Roberts, Jenna
 Sprague, Dale

Brown, Julie
 Groen, Warren
 Keans, Sandra
 Schmidt, Peter
 Wall, Janet

Browne, Brendon
 Hooper, Dorothea
 Munck, Philip
 Spainhower, Dale
 Watters, David

SULLIVAN

Bowers, Spec
 Rodeschin, Beverly

Cloutier, John
 Schmidt, Andrew

Lefebvre, Benjamin

Lovett, Charlene

NAYS 122

BELKNAP

Accornero, Harry
 Tilton, Franklin

Malone, Robert
 Worsman, Colette

Pilliod, James

Simpson, Tyler

CARROLL

Ahlgren, Christopher

McConkey, Mark

Patten, Betsey

CHESHIRE

Byrnes, John
 Johnson, Jane

Cartwright, Anne
 Moore, Charles

Emerson, Susan

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTONBrosseau, Charles
Mirski, PaulBulis, Lyle
Sorg, GregoryGionet, Edmond
Sova, Charles

Ladd, Rick Jr

HILLSBOROUGHBalboni, Michael
Cebrowski, John
Donovan, Daniel
Gandia, Laura
Hogan, Edith
Hutchinson, Winfred
McGuinness, Sean
Parison, James
Silva, Peter
Swank, Matthew
Whitehead, RandallBall, J. Michael
Coughlin, Sean
Erickson, Duane
Hansen, Peter
Hogan, Timothy
Krasucki, Joseph
Mecheski, Holly
Peterson, Lenette
Simmons, Tammy
Thomas, Joseph
Willette, RobertBrownrigg, Randall Jr
Daniels, Gary
Flanagan, Jack
Hardwick, Harry
Holden, Frank
Lambert, George
Murphy, Keith
Proulx, Mark
Soucy, Connie
Vaillancourt, SteveBurt, John
Doherty, Shaun
Fredette, Robert
Hinch, Richard
Hopper, Gary
McClarren, Donald
Notter, Jeanine
Renzullo, Andrew
Stroud, Kathleen
Villeneuve, Moe**MERRIMACK**Blankenbeker, Lynne
Lauer-Rago, Kathleen
Seaworth, G. BrianCohn, Seth
McGuire, Carol
Smith, MollyCox, Sean
McGuire, Dan
Smith, ToddGiuda, J. Brandon
Palfrey, David
Winter, Steven**ROCKINGHAM**Bates, David
Ferrante, Beverly
Kappler, Lawrence
Murphy, Brian
Reichard, Kevin
Smith, William
Tremblay, StellaBettencourt, David
Hagan, Joseph
Katsakiores, Phyllis
Quandt, Marshall
Ritter, Glenn
Sullivan, Kevin
Ward, JoanneComerford, Timothy
Hoelzel, Kathleen
Major, Norman
Quandt, Matt
Sapareto, Frank
Tamburello, Daniel
Weyler, KennethDuarte, Joe
Itse, Daniel
Manuse, Andrew
Reagan, John
Shuler, Wyman III
Tasker, Kyle
Wheaton, Gary**STRAFFORD**DeLemus, Susan
Newton, Clifford
Vita, CarolHofemann, Roland
O'Connor, William
Vita, LucienJones, Kyle
Panek, WilliamLarsen, Kirsten
Pitre, Joseph**SULLIVAN**Cunningham, Steven
Osgood, JoeHoward, Thomas
Smith, Steven

LaCasse, Paul Sr

Laware, Thomas

and the committee report was adopted.

Rep. Hoell voted Yea and intended to vote Nay.

Rep. Brian Murphy voted Nay and intended to vote Yea.

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. **OUGHT TO PASS.**

Rep. Kathleen A. Lauer-Rago for Education: This came to the committee via the Town of Croydon which has been attempting to withdraw from SAU 43 since 2006 to no avail due to excessive red tape. This bill will streamline the bureaucracy and has the support of the department of education. Vote 11-4.

Committee report adopted and ordered to third reading.

HB 370, making changes to the pupil safety and violence prevention act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for the Majority of Education: Parents should be notified when their child is involved in a bullying incident. However, current law allows the school administration to

determine whether to tell parents about their child being bullied or being a bully. Also current law requires school boards to be responsible for their students' behavior 24/7/365. That's an impossible oversight burden and the liability to the town/district is potentially devastating should a student be injured off school grounds, not at a school function, and at any hour of the day or night. This bill, as amended, solves these problems by requiring parents be notified when their child is involved in a bullying incident and limits the school's liability to only when the school has assumed control of, and a supervisory role over, a child. The bill also requires the school to notify parents if the school becomes aware of a bullying or cyber-bullying situation that occurred when the school did not have a supervisory role over the child. Vote 10-6.

Rep. Mary Stuart Gile for the Minority of Education: The minority supports allowing the Pupil Safety and Violence Prevention Act (RSA 193-F) to continue as enacted. School districts have implemented training programs for school administrators, teaching faculty, ancillary and auxiliary staff and parents, all of which were required to be completed by March 1, 2011. In other words, full implementation of RSA 193-F has just begun. In May, 2011, the department of education will conduct a survey which will include questions on the impact of RSA 193-F. The minority agreed that resulting information should be more helpful in deciding which aspects of the new statute need to be amended.

Majority Amendment (0452h)

Amend RSA 193-F:4, II(1) as inserted by section 2 of the bill by replacing it with the following:

~~[(m)]~~ (1) A written procedure ~~[providing for]~~ **requiring** communication with the parent or parents or guardian of victims and perpetrators throughout the course of the investigation and a written procedure providing for communication with the parent or parents or guardian of victims and perpetrators regarding the school's remedies and assistance, within the boundaries of applicable state and federal law.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 New Section; Pupil Safety and Violence Prevention; Bullying or Cyberbullying Occurring Off of School Property. Amend RSA 193-F by inserting after section 4 the following new section:

193-F:4-a Bullying or Cyberbullying Occurring Off of School Property. A school board member or employee of a school district who becomes aware of an incident of bullying or cyberbullying which occurs off of school property shall notify the principal of the school attended by the victim and, if the perpetrator attends a different school than the victim, the principal of the school attended by the perpetrator. The principal or principals shall, in writing, notify the parent, or parents, or guardian of the victim and the perpetrator within 48 hours of the incident.

AMENDED ANALYSIS

This bill:

I. Deletes a provision authorizing the superintendent to grant the principal a waiver from providing notice of an incident of bullying within 48 hours to the victim or the perpetrator.

II. Removes a provision extending the bullying and cyberbullying statute to actions occurring off school property, but requires a school principal to notify the parent, parents, or guardian of the victim and the perpetrator of any incidents of bullying or cyberbullying occurring off school property.

Rep. Schlachman spoke against and yielded to questions.

Rep. Boehm spoke in favor.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Schlachman spoke against.

Reps. Boehm and Gandia spoke in favor.

Rep. Tamburello requested a roll call; sufficiently seconded.

YEAS 248 NAYS 96

YEAS 248

BELKNAP

Accornero, Harry
Greemore, Robert

Bolster, Peter
Luther, Robert

Fields, Dennis
Malone, Robert

Flanders, Donald
Millham, Alida

Pilliod, James
Tilton, Franklin

Russell, David
Tobin, William

Simpson, Tyler
Worsman, Colette

Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Parkhurst, Henry

Cartwright, Anne
Johnson, Jane
Smith, Edwin

Dwinell, Richard
Moore, Charles
Sterling, Franklin Jr

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Mirski, Paul
Sova, Charles

Brosseau, Charles
Reilly, Harold Sr
White, Andrew

Gionet, Edmond
Simard, Paul

Ingbertson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Cebrowski, John
Coffey, James
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Parison, James
Proulx, Mark
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Murphy, Keith
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belvin, William
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McClarren, Donald
Notter, Jeanine
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Emerton, Larry
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Patten, Dick
Seaworth, G. Brian

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Reed, Dennis
Smith, Molly

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Dan
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abraham, Patrick
Bates, David

Antosz, Jason
Birdsell, Regina

Azarian, Gary
Brown, Paul

Baldasaro, Alfred
Chirichiello, Brian

Comerford, Timothy
Devine, James
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Rice, Frederick
Sedensky, John
Sullivan, James
Waddell, James
Welch, David

Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Kappler, Lawrence
Mauro, Donna
O'Connor, John
Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Ward, Joanne
Weyler, Kenneth

Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin
Wheaton, Gary

DeSimone, Debra
Elliott, Robert
Griffin, Mary
Hutchinson, Karen
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
Hofemann, Roland
Munck, Philip
Pitre, Joseph
Watters, David

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Roberts, Jenna

DeLemus, Susan
Jones, Laura
Panek, William
Vita, Carol

Groen, Warren
Larsen, Kirsten
Parsons, Robbie
Vita, Lucien

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Rodeschin, Beverly

Cunningham, Steven
Laware, Thomas
Smith, Steven

Gagnon, Raymond
Lovett, Charlene

Howard, Thomas
Osgood, Joe

NAYS 96 BELKNAP

St. Cyr, Jeffrey

CARROLL

Fleck, Joseph

CHESHIRE

Butynski, William
Lindsey, Steven
Weber, Lucy

Carr, Daniel
Roberts, Kris

Hawkes, Samuel
Sad, Tara

Johnsen, Gladys
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Ladd, Rick Jr
Smith, Suzanne

Almy, Susan
Eaton, Stephanie
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Gould, Franklin
Pastor, Beatriz

Bulis, Lyle
Harding, Laurie
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Donovan, Daniel
Gimas, John
Katsiantonis, Thomas
Pilotte, Maurice
Rosenwald, Cindy

Brunelle, Michael
Gargas, Carolyn
Goley, Jeffrey
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara

Campbell, David
Garrity, Patrick
Gorman, Mary
Long, Patrick
Rhodes, Brian

Cote, David
Gidge, Kenneth
Judy, Jean
Messier, Irene
Rokas, Ted

MERRIMACK

Bouchard, Candace
Gile, Mary

DeStefano, Stephen
Hamm, Christine

Foose, Robert
MacKay, James

Frazer, June
Owen, Derek

Potter, Frances
Wallner, Mary Jane

Rice, Chip
Williams, Robert

Richardson, Gary

Shurtleff, Stephen

ROCKINGHAM

Allen, Mary
Charron, Gene
Moody, Marcia
Read, Robin Jr

Bettencourt, David
DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Cali-Pitts, Jacqueline
Gould, Kenneth
Pantelakos, Laura
Serlin, Christopher

Case, Frank
Lovejoy, Patricia
Powers, James
Tucker, Pamela

STRAFFORD

Berube, Roger
Horrigan, Timothy
Spainhower, Dale

Brown, Julie
Kaen, Naida
Spang, Judith

Browne, Brendon
Keans, Sandra
Sprague, Dale

Ginsburg, Philip
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Lefebvre, Benjamin

and the majority committee report was adopted and ordered to third reading.

HB 422, prohibiting vaccinations in public schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kathleen A. Lauer-Rago for the Majority of Education: Currently vaccination clinics in schools are strictly on a voluntary basis. The majority felt that this goes back to local control and that a district should be allowed to choose whether or not to have a vaccination clinic in its school. Vote 11-4.

Rep. J. R. Hoell for the Minority of Education: Schools are institutions of learning and this bill seeks to restore that from where we are today. The rationale against this bill was the hardship imposed on parents for having to spend time to visit a doctor or clinic. Convenience should not be the reason for keeping an unnecessary statute on the books. Lastly, testimony was given that the current process allows the lack of controls about the brand and date code of vaccine being administered. Parents should expect to be notified of all necessary and pertinent information prior to their children receiving any vaccination. This information should include vaccine brand, date code and information prescribed by the manufacturer.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Laura Jones and Hoell spoke against.

Reps. DiPentima and Lauer-Rago spoke in favor.

Rep. White requested a roll call; sufficiently seconded.

YEAS 294 NAYS 49

YEAS 294

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Bolster, Peter
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Flanders, Donald
Pilliod, James
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Scala, Dino

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Butynski, William
Emerson, Susan
Johnson, Jane
Parkhurst, Henry
Sterling, Franklin Jr

Byrnes, John
Hawkes, Samuel
Lindsey, Steven
Roberts, Kris
Tatro, Bruce

Carr, Daniel
Hunt, John
Moore, Charles
Sad, Tara
Weber, Lucy

Dwinell, Richard
Johnsen, Gladys
Moore, Robert Jr
Smith, Edwin

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

GRAFTON

Aguiar, James
Brosseau, Charles
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Sorg, Gregory

Almy, Susan
Bulis, Lyle
Gould, Franklin
Mirski, Paul
Reilly, Harold Sr
Sova, Charles

Benn, Bernard
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Simard, Paul
Townsend, Charles

Bradley, Lester
Eaton, Stephanie
Ingbreton, Paul
Pastor, Beatriz
Smith, Suzanne
White, Andrew

HILLSBOROUGH

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Drisko, Richard
Gagne, Larry
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hinch, Richard
Infantine, William
Krasucki, Joseph
Long, Patrick
Mecheski, Holly
Pilotte, Maurice
Robbins, David
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan

Baroody, Benjamin
Belvin, William
Brunelle, Michael
Coffey, James
Daniels, Gary
Emerton, Larry
Gandia, Laura
Gimas, John
Graham, John
Hardwick, Harry
Hogan, Timothy
Jasper, Shawn
Kurk, Neal
Marcus, Bruce
Messier, Irene
Porter, Marjorie
Rokas, Ted
Shaw, Barbara
Terrio, Ross
Vaillancourt, Steve

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Cote, David
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Hopper, Gary
Judy, Jean
LeBrun, Donald
McClarren, Donald
Ohm, Bill
Proulx, Mark
Rosenwald, Cindy
Silva, Peter
Thomas, Joseph
Whitehead, Randall

Barry, Richard
Brown, Kevin
Champagne, Norma
Coughlin, Sean
Donovan, Daniel
Fredette, Robert
Garrity, Patrick
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Katsiantonis, Thomas
Levasseur, Nickolas
McGuinness, Sean
Pellegrino, Tony
Rhodes, Brian
Rowe, Robert
Soucy, Connie
Twombly, Timothy
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Hamm, Christine
Kotowski, Frank
MacKay, James
Patten, Dick
Richardson, Gary
Shurtleff, Stephen
Williams, Robert

Bouchard, Candace
Frazer, June
Hess, David
Kreis, Kenneth Sr
McDonnell, John
Potter, Frances
Richardson, Jon
Smith, Molly
Winter, Steven

Coffey, Jennifer
Gile, Mary
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Reed, Dennis
Sanborn, Laurie
Smith, Todd

DeStefano, Stephen
Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Rice, Chip
Seaworth, G. Brian
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline
Copeland, Timothy
DiPentima, Rich
Fesh, Robert
Hagan, Joseph
Katsakiores, Phyllis
Moody, Marcia
O'Connor, John
Peckham, Michele

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Lovejoy, Patricia
Murphy, Brian
Oigny, Jeffrey
Powers, James

Antosz, Jason
Bettencourt, David
Charron, Gene
DeSimone, Debra
Elliott, Robert
Gould, Kenneth
Hutchinson, Karen
Major, Norman
Nevins, Chris
Packard, Sherman
Quandt, Marshall

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Kappler, Lawrence
McKinney, Betsy
Norelli, Terie
Pantelakos, Laura
Quandt, Matt

Read, Robin Jr
Ritter, Glenn
Sedensky, John
Smith, William
Waddell, James
Welch, David

Reagan, John
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Ward, Joanne
Weyler, Kenneth

Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Waterhouse, Kevin
Wheaton, Gary

Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Kaen, Naida
Newton, Clifford
Schmidt, Peter
Wall, Janet

Brown, Julie
Groen, Warren
Keans, Sandra
PANEK, William
Spainhower, Dale
Watters, David

Browne, Brendon
Hofemann, Roland
Larsen, Kirsten
Parsons, Robbie
Spang, Judith
Weeden, Michael

Cataldo, Sam
Horrigan, Timothy
Munck, Philip
Roberts, Jenna
Sprague, Dale

SULLIVAN

Bowers, Spec
Howard, Thomas
Osgood, Joe

Cloutier, John
LaCasse, Paul Sr
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Smith, Steven

Gagnon, Raymond
Lovett, Charlene

NAYS 49

BELKNAP

Malone, Robert

CARROLL

McConkey, Mark

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Cartwright, Anne

COOS

Richardson, Herbert

GRAFTON

None

HILLSBOROUGH

Avard, Kevin
Hogan, Edith
Murphy, Keith
Pratt, Calvin
Souza, Kathleen

Ball, J. Michael
Holden, Frank
Notter, Jeanine
Renzullo, Andrew
Swank, Matthew

Burt, John
Lambert, George
Parison, James
Scontsas, Lisa
Villeneuve, Moe

DeJong, Cameron
Maltz, Jonathan
Peterson, Lenette
Simmons, Tammy
Warden, Mark

MERRIMACK

Cohn, Seth
Owen, Derek

Cox, Sean

Hoell, J.R.

McGuire, Dan

ROCKINGHAM

Brown, Paul
Itse, Daniel
Tamburello, Daniel

Chirichiello, Brian
Manuse, Andrew
Tasker, Kyle

Duarte, Joe
Mauro, Donna
Tremblay, Stella

Headd, James
Okerman, Richard

STRAFFORD

DeLemus, Susan
Vita, Carol

Jones, Kyle
Vita, Lucien

Jones, Laura

Pitre, Joseph

SULLIVAN

Laware, Thomas
and the majority committee report was adopted.

HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission. **WITHOUT RECOMMENDATION.**

This bill would reduce the permissible High School drop out age from 18 to 16.

Rep. Parison moved Ought to Pass, spoke in favor and yielded to questions.

Reps. Gile and Ladd spoke against.

Rep. Norelli spoke against and yielded to questions.

Reps. Brosseau and Hoell spoke in favor.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 210 NAYS 134

YEAS 210

BELKNAP

Accornero, Harry
Luther, Robert
Swinford, Elaine

Fields, Dennis
Malone, Robert
Tilton, Franklin

Flanders, Donald
Russell, David
Tobin, William

Greemore, Robert
Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
McConkey, Mark

Babson, David Jr
Patten, Betsey

Knox, J. David
Pettengill, Laurie

McCarthy, Frank
Tregenza, Norman

CHESHIRE

Byrnes, John
Lindsey, Steven

Cartwright, Anne
Moore, Charles

Hunt, John
Moore, Robert Jr

Johnsen, Gladys
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sova, Charles

Brosseau, Charles
Mirski, Paul

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Burt, John
Coffey, James
DeJong, Cameron
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Levasseur, Nickolas
McGuinness, Sean
Notter, Jeanine
Pratt, Calvin
Scontsas, Lisa
Stepanek, Stephen
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Boehm, Ralph
Buxton, Michael
Coughlin, Sean
Doherty, Shaun
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Renzullo, Andrew
Seidel, Carl
Stroud, Kathleen
Villeneuve, Moe

Ball, J. Michael
Brown, Kevin
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Drisko, Richard
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Parison, James
Robbins, David
Silva, Peter
Thomas, Joseph
Warden, Mark

Barry, J. Gail
Brownrigg, Randall Jr
Christiansen, Lars
Daniels, Gary
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Lambert, George
McClarren, Donald
Murphy, Keith
Peterson, Lenette
Rowe, Robert
Souza, Kathleen
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen

Coffey, Jennifer
Giuda, J. Brandon

Cohn, Seth
Hoell, J.R.

Cox, Sean
Keane, Thomas

Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian

Lockwood, Priscilla
Reed, Dennis
Smith, Molly

ROCKINGHAM

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Major, Norman
Murphy, Brian
Packard, Sherman
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Manuse, Andrew
O'Connor, John
Quandt, Marshall
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin
Wheaton, Gary

Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Mauro, Donna
Okerman, Richard
Quandt, Matt
Sapareto, Frank
Smith, William
Tasker, Kyle
Webb, James

Bates, David
Chirichiello, Brian
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
Oigny, Jeffrey
Reagan, John
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

STRAFFORD

Andolina, Donald
Hofemann, Roland
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Kyle
Panek, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

Groen, Warren
Larsen, Kirsten
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 134

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

St. Cyr, Jeffrey

CARROLL

Fleck, Joseph
Umberger, Karen

Morrow, Harry

Scala, Dino

Schmidt, Stephen

CHESHIRE

Butynski, William
Hawkes, Samuel
Sad, Tara

Carr, Daniel
Johnson, Jane
Smith, Edwin

Dwinell, Richard
Parkhurst, Henry
Tatro, Bruce

Emerson, Susan
Roberts, Kris
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Nordgren, Sharon
Townsend, Charles

Almy, Susan
Gould, Franklin
Pastor, Beatriz
White, Andrew

Benn, Bernard
Harding, Laurie
Pierce, David

Bulis, Lyle
Ladd, Rick Jr
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Campbell, David

Belanger, James
Cebrowski, John

Belvin, William
Champagne, Norma

Brunelle, Michael
Cote, David

Donovan, Daniel
Gidge, Kenneth
Hutchinson, Winfred
LeBrun, Donald
Pilotte, Maurice
Rokas, Ted
Terrio, Ross

Emerton, Larry
Gimas, John
Jeady, Jean
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy
Twombly, Timothy

Gargas, Carolyn
Goley, Jeffrey
Katsiantonis, Thomas
Pellegrino, Tony
Proulx, Mark
Shaw, Barbara

Garrity, Patrick
Gorman, Mary
Kurk, Neal
Pepino, Leo
Rhodes, Brian
Swank, Matthew

MERRIMACK

Bouchard, Candace
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Kidder, David
Potter, Frances
Wallner, Mary Jane

Frazer, June
MacKay, James
Rice, Chip
Williams, Robert

Gile, Mary
Palfrey, David
Richardson, Gary

ROCKINGHAM

Abrami, Patrick
Charron, Gene
Dowling, Patricia
Moody, Marcia
Peckham, Michele
Sanders, Elisabeth
Ward, Joanne

Allen, Mary
Copeland, Timothy
Gould, Kenneth
Nevins, Chris
Powers, James
Schlachman, Donna

Call-Pitts, Jacqueline
Devine, James
Hutchinson, Karen
Norelli, Terie
Read, Robin Jr
Serlin, Christopher

Case, Frank
DiPentima, Rich
Lovejoy, Patricia
Pantelakos, Laura
Reichard, Kevin
Waddell, James

STRAFFORD

Berube, Roger
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Brown, Julie
Keans, Sandra
Schmidt, Peter
Wall, Janet

Browne, Brendon
Munck, Philip
Spainhower, Dale
Watters, David

Ginsburg, Philip
Pelletier, Marsha
Spang, Judith

SULLIVAN

Cloutier, John
and the motion was adopted and ordered to third reading.

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

HB 542-FN, amending the school attendance statutes, amending the statute for suspension or expulsion of a pupil for possession of certain weapons, and repealing the rulemaking and reporting provisions of the Parents as Teachers program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. R. Hoell for the Majority of Education: Parents have a right to control the education and instruction of their children. This bill clarifies in statute the constitutional right of parents to conscientiously object to materials, or programs, taught in the public school system. Parents already have the right to a voice in alternate learning programs for children over the age of 16, (RSA 193:1,1(h)), and this bill clearly states that this right shall be extended to all children ages 6-18. The New Hampshire Constitution states in Part First, Article 4 that the right of Conscience is an unalienable right, and this bill specifies that this right applies to parent-directed education of their children. This bill codifies in statute the common practice seen in some, but not all, local school districts where parents have the right to provide alternatives to a public school program where the parent has objections; this includes conscientious objections to particular books, materials, units or classes. For example: parents may object to a particular sex education course or specific books being used in the curriculum. Recently (12/2010), the town of Bedford had a controversy over a book used in the finance course. The book, Nickel and Dime: On (Not) Getting By In America by Barbara Ehrenreich promoted the abuse of controlled substances and mocked Jesus which was offensive to both the parents and the student. The book in question not only had political propaganda violating the conscience of the parents, the questionable material was taking time from teaching valuable personal finance skills. Had HB 542, as amended, been in statute, the controversy could have been avoided. Vote 11-6.

Rep. Karen K. Hutchinson for the Minority of Education: This amendment attempts to codify a parent's right to conscientiously object to a program or school. However, the original bill did not

address this subject matter, as the amendment replaces the entire bill and title. Had this been the subject of the original bill, the minority believes that that testimony would have been received and that the public should have the right to testify and weigh in on this important issue. The minority believes that a new bill with appropriate title be brought forth in May for next year. In addition, this bill as amended, inserts language regarding program approval into the "attendance" statute. The language attempts to remove a school district's right to approve a "parent's education program." While it alludes to home schooling, its ramifications could be much further reaching. The minority believes that the question of whether approval of home school programs are warranted be better answered during the study of the three home schooling bills already retained.

Majority Amendment (0726h)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Attendance by Pupil. Amend RSA 193:1 by inserting after paragraph IV the following new paragraph:

V. No school district shall compel a parent to send his or her child to any school or program to which he or she may be conscientiously opposed nor shall a school district approve or disapprove a parent's education program or curriculum.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill prohibits a school district from requiring that a parent send his or her child to any school or program to which the parent is conscientiously opposed.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Karen Hutchinson spoke against and yielded to questions.

Rep. Hoell spoke in favor and yielded to questions.

Rep. Ladd spoke against.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 197 NAYS 148

YEAS 197

BELKNAP

Accornero, Harry
Malone, Robert
Tobin, William

Flanders, Donald
Russell, David
Worsman, Colette

Greemore, Robert
Simpson, Tyler

Luther, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Patten, Betsey

Chandler, Gene
Pettengill, Laurie

McCarthy, Frank
Schmidt, Stephen

McConkey, Mark
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Sterling, Franklin Jr

Hunt, John

Moore, Charles

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

Ingbreton, Paul
Sorg, Gregory

Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Brown, Kevin	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Coughlin, Sean	Daniels, Gary	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Fredette, Robert	Gagne, Larry
Gandia, Laura	Gonzalez, Carlos	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary
Krasucki, Joseph	Lambert, George	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Messier, Irene	Murphy, Keith	Notter, Jeanine	Ohm, Bill
Parison, James	Pellegrino, Tony	Pepino, Leo	Peterson, Lenette
Pratt, Calvin	Renzullo, Andrew	Rowe, Robert	Scontsas, Lisa
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Souza, Kathleen	Swank, Matthew	Thomas, Joseph	Twombly, Timothy
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark
Willette, Robert			

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
Giuda, J. Brandon	Hoell, J.R.	Keane, Thomas	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	McDonnell, John	McGuire, Carol
McGuire, Dan	Palfrey, David	Reed, Dennis	Richardson, Jon
Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly	Smith, Todd
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Birdsell, Regina	Brown, Paul	Chirichiello, Brian
Comerford, Timothy	Davenport, Joshua	DeSimone, Debra	Devine, James
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Headd, James
Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Major, Norman	Manuse, Andrew	Mauro, Donna	Nevins, Chris
O'Connor, John	Okerman, Richard	Oligny, Jeffrey	Quandt, Marshall
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, Kevin	Tamburello, Daniel
Tasker, Kyle	Tremblay, Stella	Webb, James	Welch, David
Wheaton, Gary			

STRAFFORD

Andolina, Donald	Berube, Roger	Cataldo, Sam	DeLemus, Susan
Groen, Warren	Jones, Kyle	Jones, Laura	Larsen, Kirsten
Munck, Philip	Newton, Clifford	Panek, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	Weeden, Michael

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly
Smith, Steven			

NAYS 148**BELKNAP**

Bolster, Peter	Fields, Dennis	Millham, Alida	Pilliod, James
St. Cyr, Jeffrey	Tilton, Franklin		

CARROLL

Babson, David Jr
Scala, Dino

Fleck, Joseph
Umberger, Karen

Knox, J. David

Merron, Harry

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Johnsen, Gladys
Roberts, Kris

Dwinell, Richard
Johnson, Jane
Sad, Tara

Emerson, Susan
Lindsey, Steven
Smith, Edwin

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Bulis, Lyle
Harding, Laurie
Pierce, David

Almy, Susan
Cooney, Mary
Ladd, Rick Jr
Smith, Suzanne

Benn, Bernard
Eaton, Stephanie
Nordgren, Sharon
Townsend, Charles

Bradley, Lester
Gould, Franklin
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Boehm, Ralph
Cusson-Cail, Kathleen
Gargas, Carolyn
Goley, Jeffrey
Hutchinson, Winfred
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy
Terrio, Ross

Barry, J. Gail
Brunelle, Michael
Drisko, Richard
Garrity, Patrick
Gorman, Mary
Infantine, William
Kurk, Neal
Proulx, Mark
Shaw, Barbara
Whitehead, Randall

Belanger, James
Campbell, David
Emerton, Larry
Gidge, Kenneth
Graham, John
Jasper, Shawn
Levasseur, Nickolas
Robbins, David
Stepanek, Stephen

Belvin, William
Cote, David
Flanagan, Jack
Gimas, John
Hawkins, Kenneth
Judy, Jean
Pilotte, Maurice
Rokas, Ted
Stroud, Kathleen

MERRIMACK

Bouchard, Candace
Gile, Mary
Lockwood, Priscilla
Rice, Chip
Williams, Robert

DeStefano, Stephen
Hamm, Christine
MacKay, James
Richardson, Gary

Foose, Robert
Hess, David
Patten, Dick
Shurtleff, Stephen

Frazer, June
Kidder, David
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Charron, Gene
Gould, Kenneth
McKinney, Betsy
Pantelakos, Laura
Schlachman, Donna
Waddell, James

Bettencourt, David
Copeland, Timothy
Hagan, Joseph
Moody, Marcia
Powers, James
Serlin, Christopher
Ward, Joanne

Cali-Pitts, Jacqueline
DiPentima, Rich
Hutchinson, Karen
Murphy, Brian
Quandt, Matt
Sullivan, James
Waterhouse, Kevin

Case, Frank
Dowling, Patricia
Lovejoy, Patricia
Packard, Sherman
Read, Robin Jr
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Brown, Julie
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Browne, Brendon
Kaen, Naida
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale
Watters, David

Hofemann, Roland
Pelletier, Marsha
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

and the majority committee report was adopted and ordered to third reading.

HB 505-FN, making charter schools eligible for grants for leased space. **OUGHT TO PASS.**

Rep. Gregory Hill for Education: The committee feels the success of charter schools is critical as an alternative to traditional public schools. Use of building aid funds to lease space will be very helpful. Even though there currently is a moratorium on building aid, the committee feels that eventually that moratorium will have to be lifted given the age of our schools state-wide. Leasing space is currently the only option for charter schools to gain space for educational purposes. This bill will allow charter schools access to up to 30% of the annual lease arrangement. Vote 13-1.

Committee report adopted and ordered to third reading.

Rep. Ball declared a conflict of interest and did not participate.

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education: In an effort to reduce new construction costs associated with state building aid spending, this bill encourages school districts to initiate and implement facility maintenance and capital improvement plans. To date, school districts may apply for and receive state funding for new construction and renovation projects without having to demonstrate that the school has been properly maintained and that renovations or new construction cannot be attributed to lack of maintenance. In brief, school districts must demonstrate maintenance of effort before being accepted for future building grant aid funds. Many districts currently have active, ongoing maintenance and capital improvements plans; however, there are others according to DOE who could avoid expensive costs through better implementing routine, preventive, and predictive maintenance. Although this bill does not mandate that a school district must initiate a working maintenance and capital improvement plan to the extent possible, evidence that the district has complied with the maintenance and capital improvement program will be required when applying for future building aid unless the school district can show good cause for noncompliance in which the department may approve the school district's request. In summary, proactive attention to building maintenance will increase building longevity while saving costly construction and renovation expenses associated with state spending. Vote 14-0.

Amendment (0333h)

Amend the bill by replacing all after the enacting clause with the following:

1 School Building Aid; Annual Payment. Amend RSA 198:15-a, I to read as follows:

I.(a) To aid local school districts in meeting the costs of the payment of debt for school buildings and educational administration buildings, including office facilities for school administrative units, and to meet the costs of leasing permanent space in a building which is used for the operation of a high school vocational technical education program, the department of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay annually to the school districts of the state *which have implemented a facility maintenance and capital improvement program in accordance with RSA 198:15-y*, sums in accordance with the provisions of this subdivision or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w, depending on which option a school district elects. The annual grant to school districts shall be made in 2 approximately equal payments, one in October and one in April of each fiscal year. No payment shall be made to a school district prior to the district's first payment on the amount of principal borrowed.

2 School Building Aid; Approval of Plans, Specifications, and Costs. Amend RSA 198:15-c to read as follows:

198:15-c Approval of Plans, Specifications, and Costs of Construction or Purchase.

I. A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction or proposals for the purchase of school buildings, or both, and the costs for them approved by the state board prior to the start of construction. For this purpose the district shall submit its plans, specifications, cost, and purchase estimates in writing to the department of education on such forms as the department prescribes. A school district shall also submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The department of education shall coordinate with the public utilities commission to ensure that eligible school districts have submitted applications for funding reimbursement and technical assistance as available from energy utility companies to promote indoor air quality and energy efficiency in public schools. Application for school building aid shall be submitted before January 1 of each year in order to be eligible for school building aid in the fiscal year following the year of submittal.

II. The department of education shall not approve the plans, specifications, cost, or purchase estimates, if in the department's judgment:

(a) The facilities planned will not adequately meet the educational requirements, or if [its] ~~the~~ cost estimates are excessive or unreasonable[~~]. The department of education shall not approve the plans, specifications, cost, or purchase estimates if in the department's judgment;~~ **or**

(b) The proposed construction or purchase is in conflict with effective statewide planning pursuant to RSA 9-A or the principles of smart growth pursuant to RSA 9-B; **or**

(c) ***The school district has failed to comply with the facility maintenance and capital improvement program required under RSA 198:15-y, unless the department determines that the school district has shown good cause for the noncompliance in which case the department may approve the school district's request.***

III. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the department of education, the school district shall be entitled to receive an annual grant as provided herein.

3 New Subdivision; School Building Aid; Facility Maintenance and Capital Improvement Programs. Amend RSA 198 by inserting after section 15-w the following new subdivision:

Facility Maintenance and Capital Improvement Programs

198:15-x Definitions. In this subdivision:

I. "Facility maintenance and capital improvement program" means a program to replace or repair building systems on a building by building basis for each school district.

II. "Maintenance plan" means a plan to address scheduled and unscheduled repairs and maintenance necessary to achieve the designed life expectancy of building systems and components.

198:15-y Facility Maintenance and Capital Improvement Programs.

I. Beginning July 1, 2016, each school district shall develop and implement a facility maintenance and capital improvement program which includes a maintenance plan for each building in the school district in order to be eligible to receive school building aid grants.

II. A maintenance plan shall, at a minimum, include a maintenance and replacement schedule for all major building systems to include but not be limited to the following:

- (a) Heating, ventilation, and air conditioning systems.
- (b) Plumbing and electrical systems.
- (c) Integrated technology systems.
- (d) Roof systems.
- (e) Building exterior.
- (f) Windows and doors.
- (g) Building interior, including painting and flooring.
- (h) Site maintenance.
- (i) Annual fire safety inspection report.

III. A capital improvement program shall, at a minimum, include for a 10-year period:

- (a) The school district's educational mission, vision, and goals.
- (b) Assessment of program capacity of an existing facility.
- (c) Enrollment projections and new program needs.
- (d) Efficiencies of current space usage.
- (e) Match of infrastructure to educational programs.
- (f) Education specifications.
- (g) Estimated associated costs and a budget reflecting those costs.
- (h) Evidence of consultation with the local planning board and with the regional planning

commission.

IV. The school district shall, to the extent possible, commit the resources necessary to implement the facility maintenance and capital improvement program for all school buildings and facilities within the school district.

V. Beginning July 1, 2016, and annually thereafter, each school district shall report to the department of education, on a form provided by the department, the actual amount budgeted for facilities maintenance, capital improvement, or capital reserves, and whether these amounts comply with its facility maintenance and capital improvement program.

4 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill requires school districts to develop a facility maintenance and capital improvement program no later than July 1, 2016 in order to be eligible to receive school building aid grants. Amendment adopted.

Committee report adopted and ordered to third reading.

HB 176, relative to eligibility to vote. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard B. Drisko for the Majority of Election Law: This bill would place potentially unconstitutional and certainly unfair restrictive prohibitions on the voting rights of individuals who serve in the military or pursue college course work, whether full or part-time. The bill would not allow elected officials to move from their present domicile to another, even when that domicile is in the same district. When a person declares a community in New Hampshire as his or her domicile we can not, nor should we, deny them the right to vote based on their occupation or pursuit of a higher education. The issue which should be addressed is the steps that individuals should take in order to have a valid claim of domicile in New Hampshire. That issue will be addressed in HB 515, which has been retained by the committee. HB 176 evokes strong emotions from both its supporters and detractors. Due to the high level of feelings surrounding this bill, it is the opinion of the majority of the committee that using HB 176 as a vehicle to study the issue of domicile, as well as others, which were raised during the public hearing would be a distraction at best. Vote 13-5.

Rep. Regina M. Birdsell for the Minority of Election Law: This bill was voted Inexpedient to legislate, however the minority feels the testimony, letters and emails from constituents show there is a problem with the definition of "domicile." The minority feels the bill would have been better served being retained and worked on to focus in on the definition of "domicile" with regards to voter eligibility.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. St. Cyr spoke in favor and yielded to questions.

Rep. Sorg spoke against.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 267 NAYS 72

YEAS 267

BELKNAP

Bolster, Peter	Fields, Dennis	Flanders, Donald	Greemore, Robert
Luther, Robert	Malone, Robert	Millham, Alida	Pilliod, James
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David
McConkey, Mark	Morrow, Harry	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Umberger, Karen	

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Dwinell, Richard
Emerson, Susan	Hawkes, Samuel	Hunt, John	Johnsen, Gladys
Johnson, Jane	Lindsey, Steven	Moore, Robert Jr	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Smith, Edwin	Sterling, Franklin Jr
Weber, Lucy			

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Merrick, Evalyn
Rappaport, Laurence	Remick, William	Theberge, Robert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Aguir, James
Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Benn, Bernard
Harding, Laurie
Pierce, David
White, Andrew

Bradley, Lester
Ladd, Rick Jr
Simard, Paul

HILLSBOROUGH

Ball, J. Michael
Belanger, James
Buxton, Michael
Christiansen, Lars
Coughlin, Sean
Drisko, Richard
Gargas, Carolyn
Goley, Jeffrey
Greazzo, Phil
Hinch, Richard
Hutchinson, Winfred
Katsiantonis, Thomas
Maltz, Jonathan
Murphy, Keith
Peterson, Lenette
Proulx, Mark
Seidel, Carl
Stroud, Kathleen
Vaillancourt, Steve

Baroody, Benjamin
Belvin, William
Campbell, David
Coffey, James
Cusson-Cail, Kathleen
Emerton, Larry
Garity, Patrick
Gonzalez, Carlos
Haefner, Robert
Hogan, Timothy
Infantine, William
Kurk, Neal
Marcus, Bruce
Ohm, Bill
Pilotte, Maurice
Robbins, David
Shaw, Barbara
Thomas, Joseph
Whitehead, Randall

Barry, J. Gail
Brown, Kevin
Cebrowski, John
Condra, William
Daniels, Gary
Flanagan, Jack
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Holden, Frank
Jasper, Shawn
Lambert, George
McGuinness, Sean
Parison, James
Porter, Marjorie
Rokas, Ted
Simmons, Tammy
Twombly, Timothy
Willette, Robert

Barry, Richard
Brunelle, Michael
Christensen, D.L. Chris
Cote, David
Doherty, Shaun
Gagne, Larry
Gimas, John
Graham, John
Hawkins, Kenneth
Hopper, Gary
Jeudy, Jean
Levasseur, Nickolas
Mecheski, Holly
Pellegrino, Tony
Pratt, Calvin
Rosenwald, Cindy
Stepanek, Stephen
Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Gile, Mary
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Reed, Dennis
Sanborn, Laurie
Wallner, Mary Jane

Bouchard, Candace
DeStefano, Stephen
Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Rice, Chip
Seaworth, G. Brian
Williams, Robert

Coffey, Jennifer
Foose, Robert
Hamm, Christine
Kotowski, Frank
MacKay, James
Patten, Dick
Richardson, Gary
Shurtleff, Stephen
Winter, Steven

Cohn, Seth
Frazer, June
Hess, David
Kreis, Kenneth Sr
McDonnell, John
Potter, Frances
Richardson, Jon
Smith, Molly

ROCKINGHAM

Allen, Mary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Duarte, Joe
Garcia, Marilinda
Headd, James
Lovejoy, Patricia
McKinney, Betsy
Norelli, Terie
Powers, James
Ritter, Glenn
Shuler, Wyman III
Waddell, James
Wheaton, Gary

Antosz, Jason
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Major, Norman
Moody, Marcia
O'Connor, John
Quandt, Matt
Sanders, Elisabeth
Sullivan, James
Ward, Joanne

Azarian, Gary
Case, Frank
Copeland, Timothy
DiPentima, Rich
Ferrante, Beverly
Gould, Kenneth
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Read, Robin Jr
Schlachman, Donna
Tasker, Kyle
Waterhouse, Kevin

Bates, David
Charron, Gene
Davenport, Joshua
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Pantelakos, Laura
Reagan, John
Serlin, Christopher
Tucker, Pamela
Welch, David

STRAFFORD

Brown, Julie
Ginsburg, Philip

Browne, Brendon
Hofemann, Roland

Cataldo, Sam
Horrigan, Timothy

DeLemus, Susan
Jones, Kyle

Jones, Laura
Newton, Clifford
Pitre, Joseph
Spang, Judith
Weeden, Michael

Kaen, Naida
Panek, William
Roberts, Jenna
Sprague, Dale

Keans, Sandra
Parsons, Robbie
Schmidt, Peter
Wall, Janet

Munck, Philip
Pelletier, Marsha
Spainhower, Dale
Watters, David

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
Lovett, Charlene

Howard, Thomas
Rodeschin, Beverly

NAYS 72

BELKNAP

Accornero, Harry

Tobin, William

CARROLL

Babson, David Jr

McCarthy, Frank

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Moore, Charles

COOS

Richardson, Herbert

GRAFTON

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Champagne, Norma
Hardwick, Harry
LeBrun, Donald
Palmer, Stephen
Silva, Peter
Terrio, Ross

Balboni, Michael
DeJong, Cameron
Hikel, John
McClarren, Donald
Renzullo, Andrew
Soucy, Connie
Villeneuve, Moe

Boehm, Ralph
Donovan, Daniel
Hogan, Edith
Messier, Irene
Rowe, Robert
Souza, Kathleen

Burt, John
Fredette, Robert
Krasucki, Joseph
Notter, Jeanine
Scontsas, Lisa
Swank, Matthew

MERRIMACK

Cox, Sean

Hoell, J.R.

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Hagan, Joseph
Quandt, Marshall
Sheffert, Kenneth
Tremblay, Stella

Baldasaro, Alfred
Itse, Daniel
Reichard, Kevin
Smith, William
Webb, James

Birdsell, Regina
Okerman, Richard
Rice, Frederick
Sullivan, Kevin
Weyler, Kenneth

Brown, Paul
Oigny, Jeffrey
Sedensky, John
Tamburello, Daniel

STRAFFORD

Andolina, Donald
Vita, Lucien

Groen, Warren

Larsen, Kirsten

Vita, Carol

SULLIVAN

Cunningham, Steven

LaCasse, Paul Sr

Osgood, Joe

and the majority committee report was adopted.

HB 186-FN, relative to restrictions on political communications. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Regina M. Birdsell for the Majority of Election Law: This bill removes the word “implicitly” from the definition of “political advertising” to make the statute conform to the decision reached in *Stenson v. McLaughlin*. The attorney general stated that the statute, as currently written, is unenforceable because of that decision. Vote 13-2.

Rep. David M. Pierce for the Minority of Election Law: No state law should regulate the content of political messages, but there are many political advertising statutes that regulate not the content of the message, but the manner in which political messages are communicated. For instance, current law on political advertising prohibits: (i) removing, defacing or destroying political advertising on private property; (ii) displaying political messages on government and law enforcement vehicles; (iii) anonymous “robo-calls”; and (iv) misrepresenting the origin of a campaign call. HB 186 would narrow the definition of “political advertising” and would implicitly permit: (i) someone to deface or remove a sign from his neighbor’s yard; (ii) a police car to display campaign signs; (iii) middle-of-the-night robo-calls without any way to trace who made the calls; and (iv) one campaign changing the caller ID of its outgoing calls to say the call is coming from an opponent’s campaign. Our election laws are models of how to ensure the integrity of our campaigns and elections. Campaigns should be based on the competition of ideas, not tricks and traps. HB 186 makes it marginally easier to game the system. The minority believes the entire structure of political advertising statutes should be studied to continue to prohibit governmental regulation of the content of political messages while at the same time ensuring the integrity of the system.

Majority Amendment (0551h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of political communication.

Amend the bill by deleting sections 2-3 and renumbering the original section 4 to read as 2.

AMENDED ANALYSIS

This bill eliminates implicit advocacy from the definition of political advertising.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 264-FN, relative to political contributions by state contractors and other recipients of state grants or appropriations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dino A. Scala for the Majority of Election Law: This bill would require any recipient of a grant or appropriation of funds to file with the secretary of state an itemized statement under oath of any political contribution. The majority feels that because a political candidate has to file and claim political contributions already, this would be a redundant filing and unnecessary. Although the minority believes it would be a burden for an individual to look line by line at a candidate’s disclosure, the majority feels that a system is in place and is transparent. Vote 13-5.

Rep. David M. Pierce for the Minority of Election Law: Current law prohibits lobbying or participating in political activity with money received from the state. HB 264 takes this one step further. HB 264 requires anyone who gets a state grant or appropriation to disclose any political contributions he/she may make. The majority believes that because current law requires candidates to disclose that money, we already have enough disclosure. But this ignores the reality that current law requires the public to comb through every single line of every single contribution report to see if there’s a conflict. HB 264 puts all that information in one place. HB 264 gives the people an effective tool to know if their tax dollars are going to fund political campaigns or not. The lobbying laws aren’t on the books to protect the politicians and their donors, they exist to protect the people and the fair use of their tax dollars.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Pierce spoke against and yielded to questions.

Rep. Bates spoke in favor and yielded to questions.

Majority committee report adopted.

HB 411, relative to distributing campaign materials at the polling place. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M. Pierce for Election Law: This bill originally would have deprived the moderator the discretion to establish the electioneering zone at the polling place. The secretary of state and

the attorney general testified that we should leave these decisions to local officials. Every polling place is different and the moderators know their polling places best. The committee adopted a compromise amendment that guarantees local control, but also establishes a challenge process with the secretary of state to permit anyone to contest the moderator's decision if the electioneering zone is too restrictive of electioneering activities. Vote 14-2.

Amendment (0584h)

Amend the bill by replacing section 1 with the following:

1 Distributing Campaign Materials at Polling Place. Amend RSA 659:43, II to read as follows:

II. No person who is a candidate for office or who is representing or working for a candidate shall distribute any campaign materials or perform any electioneering activities or any activity which affects the safety, welfare, and rights of voters within a corridor [10] 15 feet wide and extending [a distance] from the entrance door of the building [as determined by the moderator] where the election is being held *to the nearest public way or parking area. In cities and towns that have not adopted an ordinance establishing the dimensions of the corridor, the moderator may, in the interests of the safety, welfare, and rights of voters, alter the dimensions of the corridor, if the moderator posts notice of the altered dimensions at the office of the town or city clerk or at the town hall at least 10 days before the election. The altered dimensions shall be subject to review by the secretary of state, if such review is requested by a resident of the town or ward or candidate appearing on the ballot in the town or ward at least 3 days before the election; following the review, the secretary of state shall either approve or modify the altered dimensions of the corridor. If, due to an unforeseen event, enforcement of the dimensions of the corridor would endanger public safety, the moderator may establish temporary emergency dimensions until the danger to public safety has passed; the moderator shall promptly notify the secretary of state of the circumstances requiring the establishment of temporary emergency dimensions.*

AMENDED ANALYSIS

This bill authorizes the moderator to alter the corridor in which distributing campaign materials and electioneering are prohibited at the polling place, subject to review by the secretary of state. Amendment adopted.

Committee report adopted and ordered to third reading.

HB 423, relative to including workplace harassment in the legislative ethics law. **INEXPEDIENT TO LEGISLATE.**

Rep. David Bates for Election Law: This bill would add a new basis for bringing complaints to the Legislative Ethics Committee against legislators and legislative employees. "Workplace harassment" would be added to the list of improper conduct that a person could be charged with. The proposed definition for "workplace harassment" is, "treatment or behavior that to a reasonable person creates an intimidating, hostile, or abusive work environment." The committee believes that this definition is too general and subjective. Language this vague could lead to people filing unnecessary complaints that could be resolved through other channels. Legislators and legislative employees should not be subjected to ethics complaints just because someone felt intimidated by them. The Speaker has the authority and responsibility to deal with any problems arising among House members and employees. Vote 11-7.

Committee report adopted.

HB 466-FN, eliminating the ballot law commission. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for the Majority of Election Law: The purpose of this bill is to eliminate the ballot law commission and transfer its responsibilities to the secretary of state. For many years the duties of the ballot law commission were performed by the secretary of state. Some of those duties are beyond the expertise of the commission's members. The committee decided that these duties are best preformed by the secretary of state with any appeals being decided in superior court. The committee's conclusion is that the ballot law commission is too partisan and should be eliminated. Vote 14-2.

Rep. David E. Cote for the Minority of Election Law: The minority is concerned that the elimination of the ballot law commission will place an unnecessary financial burden on a candidate seeking to appeal a decision of the secretary of state, as they would have no alternative but to appeal to the

superior court. The minority believes that a change this significant to a structure that has been in place for decades should be undertaken, if at all, only after greater consideration than is possible under current deadlines. The fiscal note states, in part, that: "The judicial branch states this bill would eliminate the ballot law commission and replace its adjudicatory function with appeals to the superior court. The branch does not have information on which to estimate how many new appeals to the superior court will be brought pursuant to this proposed bill. The branch states the average cost of a complex equity case in superior court will be \$598.85 in FY 2012 and \$595.70 in FY 2013."

The question being adoption of the majority committee report of Ought to Pass.
Rep. Jasper offered floor amendment (0834h).

Floor Amendment (0834h)

Amend the bill by replacing section 13 with the following:

13 Reference Changed. Amend RSA 660:3 to read as follows:

660:3 Number of Recounts. Any candidate for whom a vote was cast for any office at a state general election, provided that the difference between the votes cast for the applying candidate and a candidate declared elected is less than 20 percent of the total votes cast in the towns which comprise the office to be recounted, shall be entitled to apply for only one recount under this chapter, and the declaration made by the secretary of state under RSA 660:6 shall be final, subject to a change in the result following an appeal to the ~~[ballot law commission, as provided in RSA 665:8, H]~~ **superior court. The appellant shall not be subject to any fees for the appeal and the superior court shall expedite the appeal.** If more than one candidate for the same office in the same district applies for a recount under this chapter, and a recount is completed, such applications shall not result in a second recount.

Amend the bill by replacing sections 15-17 with the following:

15 Reference Changed. Amend RSA 660:9 to read as follows:

660:9 Declaration of Result, State Primary. If the recount after a state primary election shall show that some candidate other than the one declared nominated upon the original canvass of votes has the greatest number of votes cast for the nomination, such candidate shall be declared nominated and shall be placed upon the official ballot at the following election unless appeal is taken to the ~~[ballot law commission in accordance with RSA 665:6, I]~~ **superior court. The appellant shall not be subject to any fees for the appeal and the superior court shall expedite the appeal.** If the person who applied for the recount was thereby shown to be the one chosen as the candidate of the party, the person shall also have any fee paid returned.

16 Reference Changed. Amend RSA 660:9-a to read as follows:

660:9-a Declaration of Result, Presidential Primary. If the recount after a presidential primary election shall show that the applying candidate qualified under RSA 659:93 for at least one more delegate than the original count indicated or that such candidate did qualify for federal election funding, such candidate shall receive such funding or shall be apportioned delegates to the national party convention in accordance with RSA 659:93 unless appeal is taken to the ~~[ballot law commission in accordance with RSA 665:6, I]~~ **superior court. The appellant shall not be subject to any fees for the appeal and the superior court shall expedite the appeal.** If the person who applied for the recount was thereby shown to be entitled to federal funding or at least one more delegate under RSA 659:93, the person shall also have any fee paid returned.

17 Reference Changed. Amend RSA 660:15 to read as follows:

660:15 Declaration of Result. If after the recount it shall appear that the result of the voting on said question is other than that announced by the moderator at the election, the secretary of state shall declare said result which shall be final unless the result is changed because of an appeal taken within 10 days to the ~~[ballot law commission]~~ **superior court. The appellant shall not be subject to any fees for the appeal and the superior court shall expedite the appeal.**

Rep. Jasper spoke in favor.

Floor amendment (0834h) adopted.

Majority committee report adopted and ordered to third reading.

HB 495-FN, relative to the prevention of the use of pesticides on the grounds of child day care facilities, schools, and state parks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John T. O'Connor for the Majority of Environment and Agriculture: The intent of this bill is to reduce the amount of pesticides that children are exposed to because they are toxic. The majority of the committee is concerned about the health and welfare of our children, citizens, and environment. It is for this reason that the majority voted to ITL the bill. We are confident that the current state pesticide statute (RSA 430:28-50) recognizes the benefits of safe pesticides use when conditions indicate a need. This bill will result in unintended consequences of limiting the ability of local control as to whether to use EPA and state certified pesticides, or IPM (Integrated Pest Management), PESP (Pesticide Environmental Stewardship Program) or other alternative methods, in protecting our citizens, young and old from diseases like, Lyme, West Nile Virus, Triple E and insect bites that cause anaphylactic shock. As stated in testimony, this is the first bill to take local control away and that private academies, colleges and municipal playgrounds and public gathering locations are next in banning of the use of pesticides. We in the voting majority believe and emphasize that the IPM program that many applicators use is the preferable and prudent approach that should be taken. Vote 11-6.

Rep. Suzanne J. Smith for the Minority of Environment and Agriculture: The minority agrees with the President's Cancer Panel issued in 2010 that recommended that it is prudent to reduce and, where possible, eliminate children's exposure to pesticides. This bill restricts pesticides used on school grounds, playing fields and on the lawns at day care centers. Those pesticides are used predominately to keep crabgrass, dandelions and grubs at bay. Our children spend 180 plus days a year at school. Is it worth risking their long-term health for short-term relief of weeds on ball fields? Knowing that there are times when pesticides are required, HB 495 allows for an emergency exemption in cases of threats to health such as spraying for mosquitoes, ticks, other stinging insects plus threats to plant health such as from invasive insects. If we can produce good quality ball fields and NOT put children at risk from even the possibility of short or long-term health consequences, what is the argument not to do something?

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Suzanne Smith spoke against and yielded to questions.

Rep. Haefner spoke in favor and yielded to questions.

Majority committee report adopted.

HB 331-FN, relative to posting agency expenditures on the state transparency website. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth H. Gould for Executive Departments and Administration: This bill requires all state agencies to post expenditures monthly no later than the fifteenth day of the following month on the state transparency website. It begins the process for a totally transparent state government by requiring the agencies to post their expenditures in a total fund format and where each expenditure will be reported in a check register format allowing our citizens an easily understood and accurate insight into each expense in a detailed comprehensive format. Vote 11-0.

Amendment (0110h)

Amend the bill by replacing all after section I with the following:

2 New Paragraph; State Transparency Website; Exemption from Disclosure. Amend RSA 9-F:1 by inserting after paragraph III the following new paragraph:

IV.(a) Nothing in this chapter shall be construed to require the public posting or dissemination of information exempt from public disclosure under RSA 91-A or other law.

(b) In submitting information to the state's financial system, each agency shall be responsible for identifying information that is confidential or otherwise exempt from public disclosure under RSA 91-A. The department of administrative services shall, in consultation with state agencies, establish the method by which an agency shall identify information in the state's financial system that the agency has determined is confidential or otherwise exempt from disclosure. The department of administrative services shall not post such information on the transparency website.

3 Effective Date. This act shall take effect 120 days after its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 343-FN, establishing a permanent state defense force. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Randall A. Whitehead for the Majority of Executive Departments and Administration: The majority felt that this bill is unnecessary, as the state, indeed, has adequate resources to deal with any and all contingencies, including the New Hampshire National Guard. It is believed that this bill could lead to unintended consequences and be a financial burden to the state. Vote 10-6.

Rep. Spec Bowers for the Minority of Executive Departments and Administration: The minority supported Retain to give the sponsor time to amend the bill. Although the bill as written is open to misinterpretation, a more narrowly crafted definition of the volunteer force envisioned by the sponsor would provide valuable services to the people of New Hampshire.

LAID ON THE TABLE

Rep. Baldasaro moved that **HB 343-FN**, establishing a permanent state defense force, be laid on the table.

Rep. Peter Schmidt requested a roll call; sufficiently seconded.

YEAS 175 NAYS 137

YEAS 175

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Pilliod, James
Simpson, Tyler	Swinford, Elaine	Tilton, Franklin	Worsman, Colette

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	McCarthy, Frank
McConkey, Mark	Morrow, Harry	Patten, Betsey	Pettengill, Laurie
Tregenza, Norman			

CHESHIRE

Byrnes, John	Cartwright, Anne	Emerson, Susan	Hunt, John
Moore, Charles	Moore, Robert Jr		

COOS

Rappaport, Laurence	Richardson, Herbert
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GRAFTON

Gionet, Edmond	Ingretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Brown, Kevin
Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christiansen, Lars	Coffey, James	Coughlin, Sean	Cusson-Cail, Kathleen
Daniels, Gary	DeJong, Cameron	Donovan, Daniel	Drisko, Richard
Emerton, Larry	Flanagan, Jack	Gagne, Larry	Gonzalez, Carlos
Haefner, Robert	Hardwick, Harry	Hikel, John	Hinch, Richard
Hogan, Edith	Holden, Frank	Hopper, Gary	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Lambert, George	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	Mecheski, Holly	Messier, Irene
Murphy, Keith	Notter, Jeanine	Ohm, Bill	Palmer, Stephen
Parison, James	Peterson, Lenette	Pratt, Calvin	Proulx, Mark
Renzullo, Andrew	Robbins, David	Scotsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Stepanek, Stephen
Stroud, Kathleen	Swank, Matthew	Twombly, Timothy	Ulery, Jordan
Villeneuve, Moe	Warden, Mark	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
Giuda, J. Brandon	Hess, David	Hoell, J.R.	Keane, Thomas

Kotowski, Frank
Palfrey, David
Smith, Molly

Kreis, Kenneth Sr
Reed, Dennis
Winter, Steven

McGuire, Carol
Sanborn, Laurie

McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Antosz, Jason
Brown, Paul
Ferrante, Beverly
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
Okerman, Richard
Sedensky, John
Sullivan, Kevin
Tucker, Pamela
Wheaton, Gary

Azarian, Gary
Comerford, Timothy
Fesh, Robert
Hoelzel, Kathleen
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Shuler, Wyman III
Tamburello, Daniel
Webb, James

Baldasaro, Alfred
Davenport, Joshua
Garcia, Marilinda
Itse, Daniel
Manuse, Andrew
Nevins, Chris
Quandt, Matt
Smith, William
Tasker, Kyle
Welch, David

Birdsell, Regina
Duarte, Joe
Griffin, Mary
Kappler, Lawrence
Mauro, Donna
O'Connor, John
Ritter, Glenn
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford

Cataldo, Sam
Jones, Laura
Pitre, Joseph

DeLemus, Susan
Larsen, Kirsten
Vita, Carol

Groen, Warren
Munck, Philip
Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

Laware, Thomas

NAYS 137

BELKNAP

Millham, Alida

Russell, David

St. Cyr, Jeffrey

Tobin, William

CARROLL

Knox, J. David

Schmidt, Stephen

Umberger, Karen

CHESHIRE

Butynski, William
Johnsen, Gladys
Smith, Edwin

Carr, Daniel
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Parkhurst, Henry
Weber, Lucy

Hawkes, Samuel
Sad, Tara

COOS

Coulombe, Gary
Theberge, Robert

Daugherty, Duffy
Tholl, John Jr

Hatch, William
Tremblay, Marc

Remick, William

GRAFTON

Aguiar, James
Brosseau, Charles
Harding, Laurie
Townsend, Charles

Almy, Susan
Bulis, Lyle
Nordgren, Sharon
White, Andrew

Benn, Bernard
Cooney, Mary
Pierce, David

Bradley, Lester
Gould, Franklin
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Belvin, William
Condra, William
Gandia, Laura
Gorman, Mary
Hawkins, Kenneth
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara
Vaillancourt, Steve

Barry, J. Gail
Boehm, Ralph
Cote, David
Gargas, Carolyn
Graham, John
Hogan, Timothy
McGuinness, Sean
Rokas, Ted
Souza, Kathleen

Barry, Richard
Brunelle, Michael
Doherty, Shaun
Gidge, Kenneth
Greazzo, Phil
Hutchinson, Winfred
Pellegrino, Tony
Rosenwald, Cindy
Terrio, Ross

Belanger, James
Campbell, David
Fredette, Robert
Gimas, John
Hansen, Peter
Kurk, Neal
Pilotte, Maurice
Rowe, Robert
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances
Shurtleff, Stephen

Deloge, Helen
Lockwood, Priscilla
Rice, Chip
Wallner, Mary Jane

DeStefano, Stephen
MacKay, James
Richardson, Gary

Frazer, June
McDonnell, John
Richardson, Jon

ROCKINGHAM

Abrami, Patrick
Case, Frank
Devine, James
Garrity, James
Packard, Sherman
Reagan, John
Serlin, Christopher

Allen, Mary
Chirichiello, Brian
DiPentima, Rich
Gould, Kenneth
Pantelakos, Laura
Reichard, Kevin
Sheffert, Kenneth

Bates, David
Copeland, Timothy
Dowling, Patricia
Moody, Marcia
Quandt, Marshall
Rice, Frederick
Waddell, James

Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Norelli, Terie
Read, Robin Jr
Schlachman, Donna
Ward, Joanne

STRAFFORD

Brown, Julie
Keans, Sandra
Schmidt, Peter
Wall, Janet

Browne, Brendon
Panek, William
Spainhower, Dale
Watters, David

Hofemann, Roland
Parsons, Robbie
Spang, Judith
Weeden, Michael

Horrigan, Timothy
Pelletier, Marsha
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

LaCasse, Paul Sr

Lovett, Charlene

and the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth H. Gould for the Majority of Executive Departments and Administration: This bill eliminates the racing and charitable gaming commission and transfers all of its duties, personnel, rules, and budget to the state lottery commission. The bill also prohibits the use of new electronic gaming devices in the state without specific statutory authorization. The amendment clarifies that gaming devices can be replaced as needed due to wear and tear. The lottery is a promotional agency and the racing and gaming commission is an enforcement agency, but the committee senses the need to streamline state agencies in this instance. Concerns about regulation of charitable gaming should not be affected by this reorganization. Vote 9-6.

Rep. Lawrence B. Perkins for the Minority of Executive Departments and Administration: Although the minority understands the premise of combining state agencies for the purpose of lowering the budget, we also understand that charitable gaming needs regulation and enforcement and a marketing entity such as the lottery commission is not the vehicle for such an undertaking. In fact five years ago the lottery relinquished bingo and lucky 7's to charitable gaming. This bill looks to save \$60,000 while jeopardizing hundreds of charities in New Hampshire.

Majority Amendment (0538h)

Amend RSA 284:6-a, VI as inserted by section 10 of the bill by replacing it with the following:

VI. Notwithstanding any law, rule or current practice to the contrary, the commission shall not authorize:

(a) Any game, lottery or other offering which was not in use by the public on or before October 1, 2010, including but not limited to any game, lottery or other offering by video slot machine and other gambling machines, devices which function or are designed to emulate a video slot machine or other gambling machine, an historical racing machine, electronic lucky 7 ticket units and computer technology to reveal instant ticket winners, whether in physical presence or through the Internet; or

(b) A reduction in the length of time between placing a wager, purchasing a lottery ticket or otherwise engaging in gambling and the announcement of the result of the wager, lottery or gamble for any game, lottery or other offering which was in use by the public on or before October 1, 2010.

MOTION TO SPECIAL ORDER

Rep. Carol McGuire moved that **HB 348-FN**, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization, be made a Special Order as the first order of business for Wednesday, March 16, 2011.

Rep. Carol McGuire spoke in favor.

Adopted.

REGULAR CALENDAR (CONT'D)

HB 355, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D. Pratt for Executive Departments and Administration: This bill clearly delineates this authority of fire marshals to cite unlicensed individuals for fire safety violations under the authority of the professional boards. Vote 12-3.

Amendment (0761h)

Amend RSA 21-P:4, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Have the discretion to grant authority to issue a citation for violations of fire safety rules adopted under RSA 153:4-a [and], RSA 153:5, **RSA 153:28, RSA 153:29-a, and RSA 160-C** to the state fire marshal or his designee, or to any fire chief, fire investigator, fire inspector or [~~fire prevention~~] **code enforcement** officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24. **Any such officer may also be granted authority under the conditions set forth in RSA 21-P:14, II(s) to issue a citation for violations to an unlicensed person pursuant to RSA 319-C and RSA 329-A.**

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 418-FN, requiring state agencies to consider open source software when acquiring new software. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D. Pratt for Executive Departments and Administration: This bill codifies a process that is already being used at the discretion of the state's information technology workers. Although it would require a three person team to fully implement, the cost would be offset by software savings resulting in a cost neutral program going forward. This bill was supported by the department of information technology and the archivist's office. Vote 11-2.

Amendment (0733h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards.

Amend the bill by replacing all after section 1 with the following:

2 New Subdivision; Department of Information Technology; Open Standards. Amend RSA 21-R by inserting after section 9 the following new subdivision:

Open Standards

21-R:10 Definitions. In this subdivision:

I. "Open source software" means software that guarantees the user, without further cost:

- (a) Unrestricted use of the software for any purpose;
- (b) Unrestricted access to the respective source code;
- (c) Exhaustive inspection of the working mechanisms of the software;
- (d) Use of the internal mechanisms and arbitrary portions of the software, to adapt them to the needs of the user;

- (e) Freedom to make and distribute copies of the software; and

- (f) Modification of the software and freedom to distribute modifications of the new resulting software, under the same license as the original software.

II. "Open standards" means specifications for the encoding and transfer of computer data that:

- (a) Is free for all to implement and use in perpetuity, with no royalty or fee;

(b) Has no restrictions on the use of data stored in the format;

(c) Has no restrictions on the creation of software that stores, transmits, receives, or accesses data codified in such way;

(d) Has a specification available for all to read, in a human-readable format, written in commonly accepted technical language;

(e) Is documented, so that anyone can write software that can read and interpret the complete semantics of any data file stored in the data format;

(f) If it allows extensions, ensures that all extensions of the data format used by the state are themselves documented and have the other characteristics of an open data format;

(g) Allows any file written in that format to be identified as adhering to or not adhering to the format; and

(h) If it includes any use of encryption or other means of data obfuscation, provides that the encryption or obfuscation algorithms are usable in a royalty-free, nondiscriminatory manner in perpetuity, and are documented so that anyone in possession of the appropriate encryption key or keys or other data necessary to recover the original data is able to write software to access the data.

III. "Proprietary software" means software that does not fulfill all of the guarantees provided by open source software.

IV. "State agency" means any department, commission, board, institution, bureau, office, or other entity, by whatever name called, including the legislative and judicial branches of state government, established in the state constitution, statutes, or executive orders.

21-R:11 Use of Open Source Software by State Agencies.

I. For all software acquisitions, each state agency, in consultation with the department of information technology, shall:

(a) Consider acquiring open source software products and services as an alternative to proprietary software products and services;

(b) Except as provided in subparagraphs (d) and (e), acquire software products primarily on a value-for-money basis;

(c) Provide justification to the chief information officer whenever a proprietary software product is acquired rather than open source software;

(d) Avoid the acquisition of products that do not comply with open standards for interoperability or data storage; and

(e) Avoid the acquisition of products that are known to make unauthorized transfers of information to, or permit unauthorized control of or modification to a state agency's computer.

II. All state procurement documents related to software acquisitions shall include language that requires adherence to this section.

21-R:12 Metrics; Inventory of Open Source Software Used by State Agencies. Each state agency shall maintain an inventory of all proprietary and open source software products used by the agency.

21-R:13 Use of Open Data Formats by State Agencies.

I. The commissioner shall assist state agencies in the purchase or creation of data processing devices or systems that comply with open standards for the accessing, storing, or transferring of data. The commissioner shall:

(a) Ensure that any new data standards which the state of New Hampshire defines and to which it owns all rights are open standards compliant.

(b) Use open standards unless specific project requirements preclude use of an open data format.

(c) Reexamine existing data stored in a restricted format to which the state of New Hampshire does not own the rights every 4 years to determine if the format has become open and, if not, whether an appropriate open standard exists.

(d) Make readily accessible, on the state website, documentation on open data formats used by the state of New Hampshire. When data in open format is made available through the state's website, a link shall be provided to the corresponding data format documentation.

21-R:14 Statewide Information Policy on Open Government Data Standards.

I. The commissioner shall develop a statewide information policy based on the following principles of open government data. According to these principles, open data is data that is:

(a) Complete. All public data is made available, unless subject to valid privacy, security, or privilege limitations.

(b) Primary. Data is collected at the source, with the highest possible level of granularity, rather than in aggregate or modified forms.

- (c) Timely. Data is made available as quickly as necessary to preserve the value of the data.
- (d) Accessible. Data is available to the widest range of users for the widest range of purposes.
- (e) Machine processable. Data is reasonably structured to allow automated processing.
- (f) Nondiscriminatory. Data is available to anyone, with no requirement of registration.
- (g) Nonproprietary. Data is available in a format over which no entity has exclusive control, with the exception of national or international published standards.
- (h) License-free. Data is not subject to any copyright, patent, trademark, or trade secret regulation. Reasonable privacy, security, and privilege restrictions may be allowed.

II. The information policy developed under paragraph I shall include a mechanism for adoption and review by each state agency. Each agency that adopts the policy shall designate a contact person responsible for oversight and implementation of open government data standards for that agency. The contact shall act as a liaison between the department, the implementing agency, and the public in matters related to open government data standards. The commissioner shall include the status of the development and implementation of the statewide information policy based on open government data standards in the quarterly report to the legislative oversight committee under RSA 21-R:9.

III. In developing the open data standards policy, the commissioner shall solicit information from the secretary of state relative to state archiving practices and the collection of data for historical purposes.

3 Department of Information Technology; Duties of Commissioner Regarding Acquisition of Information Systems. Amend RSA 21-R:4, I to read as follows:

I. Providing technical information technology consultation to all executive branch agencies and to any other agency that requests it, including technical advice *consistent with the principles of open government data established in RSA 21-R:11 through RSA 21-R:14* during the development or acquisition of information systems.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires state agencies to consider open source software when acquiring software and promotes the use of open data formats by state agencies. This bill also directs the commissioner of information technology to develop a statewide information policy based on principles of open government data.

Amendment adopted.

Committee report adopted and ordered third reading.

HB 444-FN, making John Stark Day a New Hampshire state holiday. OUGHT TO PASS WITH AMENDMENT.

Rep. Peter T. Hansen for Executive Departments and Administration: The committee agrees with the sponsor that the significant contributions made by General Stark to the state and the nation in its infancy deserve recognition in the form of a proclamation urging the schools on the 4th Monday in April to commemorate the day with appropriate activities and events. Vote 12-3.

Amendment (0590h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the commemoration of General John Stark Day.

Amend the bill by replacing all after the enacting clause with the following:

1 Observances Proclaimed by the Governor; General John Stark Day. Amend RSA 4:13-I to read as follows:

4:13-I General John Stark Day. The governor shall annually proclaim the fourth Monday in April as General John Stark Day and shall urge cities and towns throughout the state to observe this day in commemoration of General Stark's gallant and illustrious service to New Hampshire and his country. *The governor shall urge schools to commemorate the day with appropriate activities and events.*

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the governor to urge schools to commemorate General John Stark Day with appropriate activities and events.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 450, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration: This bill, as introduced, would permit unlicensed people to perform barbering, cosmetology, and esthetics services provided that there is no compensation for the services performed. The amendment closes a possible loophole while maintaining the intent of the sponsor by inserting an exemption for these services including manicuring performed for friends and family and with no compensation. The amendment also decreases the penalties for offenses. Current law makes possible a penalty of a year in county jail if an unlicensed person gives a haircut. Although the committee knows of no such prosecution, it feels that it is bad law to leave so drastic a penalty up to prosecutorial discretion. Vote 15-1.

Amendment (0716h)

Amend the bill by replacing all after the enacting clause with the following:

1 Barbering, Cosmetology, and Esthetics; License Required; Compensation. Amend RSA 313-A:9, I to read as follows:

I. It shall be a ~~[class A misdemeanor]~~ **violation** for any natural person, and a ~~[felony]~~ **class A misdemeanor** for any other person, to engage in any practice regulated by this chapter without the appropriate license.

2 New Paragraph; Exemption Added; Barbering, Manicuring, Cosmetology, and Esthetics. Amend RSA 313-A:25 by inserting after paragraph II the following new paragraph:

III. The provisions of this chapter relative to barbering, manicuring, cosmetology and esthetics shall not be construed to apply to the provision of barbering, manicuring, cosmetology, or esthetics services to family and friends when done for no compensation.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill reduces the penalty for unlicensed practice of barbering, manicuring, cosmetology, or esthetics. The bill also adds an exemption for providing barbering, manicuring, cosmetology, or esthetics services to family and friends for no compensation.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 452-FN, establishing the independent regulation of dental hygienists. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration: The practice of dental hygiene is presently governed by the board of dental examiners. This bill would establish a separate board regulating dental hygienists in matters such as licensing, procedural aspects, and work rules (but would not change their scope of practice). This bill has had a long history. Nonetheless, the committee did not feel that the issues raised by the dental hygienists rose to the level of setting up yet another board in state government at this time. A major complicating factor is that dentists and dental hygienists are in an employer-employee relationship more directly than in any other licensed profession. Thus dental hygienists would have to answer to two authorities which could very well be in conflict with one another. The committee felt that the needs of the dental hygienists could be more appropriately addressed by giving them a greater voice in the board of dental examiners. The ITL recommendation is made in favor of HB 565 which provides a positive step in that direction. Vote 12-5.

Committee report adopted.

HB 565, establishing a dental hygienists committee within the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B. Schmidt for Executive Departments and Administration: This bill confers a substantial degree of rulemaking authority and self-governance on this valued and hitherto insufficiently empowered profession, while maintaining a unified and collaborative oversight board of dental care for the benefit of New Hampshire citizens. Similar arrangements are in effect in numerous other states. Vote 12-3.

Amendment (0755h)

Amend RSA 317-A:2-a, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The additional non-board dental hygienist members shall serve terms of 3 years, with initial terms staggered to provide for annual appointments. The New Hampshire Dental Hygienists'

Association, the New Hampshire Dental Society, and the dental hygiene education community shall each nominate one dental hygienist for appointment as additional members of the committee. Subsequent appointments shall be made from the same nominating authority as the committee member whose term expires.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Peter B. Schmidt for the Majority of Executive Departments and Administration: This bill drew strong and persuasive testimony in opposition, both as to the premise of the language proposed for addition to the existing statute and to the facts of current practice. After much deliberation the committee majority concluded that the bill is unnecessary. Vote 9-6.

Rep. Spec Bowers for the Minority of Executive Departments and Administration: HB 623 prohibits preferential treatment or discrimination in recruiting, hiring, promotion, or admission by state agencies, colleges, or universities. The minority believes that "affirmative action" hurts the very people it tries to help. Installing a less qualified person in a demanding environment sets him or her up for failure. It is far better for a student to graduate from a lower tier college than to flunk out of a higher tier college. Secondly, well qualified individuals may be stigmatized because they happen to be members of a "preferred" group. For such individuals it may take years of hard work for others to realize that they are fully qualified. The committee believes that the best path is for all people to be judged not "by the color of their skin, but by the content of their character."

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Bowers spoke against.

Rep. Watters spoke in favor and yielded to questions.

Rep. Gladys Johnsen requested a roll call; sufficiently seconded.

YEAS 101 NAYS 197

YEAS 101

BELKNAP

Bolster, Peter	Millham, Alida	St. Cyr, Jeffrey	Tobin, William
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CARROLL

Ahlgren, Christopher	Chandler, Gene	Knox, J. David	Umberger, Karen
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CHESHIRE

Butynski, William	Carr, Daniel	Dwinell, Richard	Hawkes, Samuel
Johnsen, Gladys	Johnson, Jane	Parkhurst, Henry	Sad, Tara
Smith, Edwin	Weber, Lucy		

COOS

Coulombe, Gary	Hatch, William	Theberge, Robert	Tremblay, Marc
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pierce, David
Reilly, Harold Sr	Smith, Suzanne	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Brunelle, Michael	Campbell, David
Christiansen, Lars	Cote, David	Drisko, Richard	Emerton, Larry
Gargas, Carolyn	Gidge, Kenneth	Gonzalez, Carlos	Gorman, Mary
Graham, John	Hawkins, Kenneth	Messier, Irene	Pilotte, Maurice
Porter, Marjorie	Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara
Thomas, Joseph	Whitehead, Randall		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Frazer, June
Gile, Mary	Mackay, James	McDonnell, John	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane

ROCKINGHAM

Allen, Mary	Azarian, Gary	Cali-Pitts, Jacqueline	Case, Frank
DiPentima, Rich	Dowling, Patricia	Garrity, James	Gould, Kenneth
McKinney, Betsy	Moody, Marcia	Nevins, Chris	O'Connor, John
Packard, Sherman	Pantelakos, Laura	Read, Robin Jr	Reagan, John
Schlachman, Donna	Serlin, Christopher		

STRAFFORD

Brown, Julie	Browne, Brendon	Cataldo, Sam	Hofemann, Roland
Horrigan, Timothy	Keans, Sandra	Pelletier, Marsha	Schmidt, Peter
Spainhower, Dale	Spang, Judith	Sprague, Dale	Wall, Janet
Watters, David			

SULLIVAN

Cloutier, John	Gagnon, Raymond
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NAYS 197**BELKNAP**

Accornero, Harry	Fields, Dennis	Flanders, Donald	Greemore, Robert
Luther, Robert	Malone, Robert	Pilliod, James	Russell, David
Simpson, Tyler	Swinford, Elaine	Tilton, Franklin	Worsman, Colette

CARROLL

Fleck, Joseph	McCarthy, Frank	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman	

CHESHIRE

Byrnes, John	Cartwright, Anne	Emerson, Susan	Hunt, John
Moore, Charles	Moore, Robert Jr	Sterling, Franklin Jr	

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Simard, Paul
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Burt, John	Buxton, Michael	Champagne, Norma	Coffey, James
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hikel, John
Hinch, Richard	Hogan, Edith	Hogan, Timothy	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Levasseur, Nickolas	Maltz, Jonathan	Marcus, Bruce	McGuinness, Sean
Mecheski, Holly	Murphy, Keith	Notter, Jeanine	Ohm, Bill

Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Parison, James
Proulx, Mark
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve

Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenkaker, Lynne
Giuda, J. Brandon
Kreis, Kenneth Sr
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hoell, J.R.
McGuire, Carol
Richardson, Jon
Winter, Steven

Cohn, Seth
Keane, Thomas
McGuire, Dan
Sanborn, Laurie

Cox, Sean
Kotowski, Frank
Palfrey, David
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
DeSimone, Debra
Fesh, Robert
Hoelzel, Kathleen
Manuse, Andrew
Oigny, Jeffrey
Rice, Frederick
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

Bates, David
Comerford, Timothy
Devine, James
Garcia, Marilinda
Kappler, Lawrence
Mauro, Donna
Quandt, Marshall
Ritter, Glenn
Smith, William
Tremblay, Stella
Webb, James

Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Griffin, Mary
Katsakiores, Phyllis
Murphy, Brian
Quandt, Matt
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

Brown, Paul
Davenport, Joshua
Elliott, Robert
Headd, James
Major, Norman
Okerman, Richard
Reichard, Kevin
Sheffert, Kenneth
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Laura
Vita, Carol

DeLemus, Susan
Munck, Philip
Vita, Lucien

Groen, Warren
Newton, Clifford
Weeden, Michael

Jones, Kyle
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and the majority committee report failed.

Rep. Jasper moved the minority committee report of Ought to Pass.

Rep. Gladys Johnsen requested a roll call; sufficiently seconded.

YEAS 219 NAYS 79

YEAS 219

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Bolster, Peter
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Flanders, Donald
Pilliod, James
Swinford, Elaine

CARROLL

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

McCarthy, Frank
Schmidt, Stephen

Morrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Timothy
Infantine, William
Lambert, George
Marcus, Bruce
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

Balboni, Michael
Belanger, James
Burt, John
Coffey, James
Daniels, Gary
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Buxton, Michael
Condra, William
DeJong, Cameron
Emerton, Larry
Gandia, Laura
Haefner, Robert
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Levasseur, Nickolas
Mecheski, Holly
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Barry, J. Gail
Boehm, Ralph
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Maltz, Jonathan
Murphy, Keith
Parison, James
Proulx, Mark
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve

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Giuda, J. Brandon
Kreis, Kenneth Sr
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hoell, J.R.
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Keane, Thomas
McGuire, Carol
Richardson, Jon
Winter, Steven

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McGuire, Dan
Sanborn, Laurie

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Duarte, Joe
Garrity, James
Kappler, Lawrence
Mauro, Donna
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Smith, William
Tremblay, Stella
Webb, James

Azarian, Gary
Case, Frank
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Katsakiores, Phyllis
McKinney, Betsy
Oigny, Jeffrey
Reagan, John
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

Bates, David
Chirichiello, Brian
DeSimone, Debra
Fesh, Robert
Headd, James
Major, Norman
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Sheffert, Kenneth
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Birdsell, Regina
Comerford, Timothy
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne
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Cataldo, Sam
Jones, Laura
Vita, Carol

DeLemus, Susan
Munck, Philip
Vita, Lucien

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Weeden, Michael

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Smith, Steven

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Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 79
BELKNAP

Millham, Alida

CARROLL

Ahlgren, Christopher

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Weber, Lucy

Carr, Daniel
Johnson, Jane

Dwinell, Richard
Parkhurst, Henry

Hawkes, Samuel
Sad, Tara

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Coulombe, Gary

Hatch, William

Theberge, Robert

Tremblay, Marc

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Nordgren, Sharon
White, Andrew

Cooney, Mary
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Messier, Irene
Rosenwald, Cindy

Brunelle, Michael
Gidge, Kenneth
Pilotte, Maurice
Shaw, Barbara

Campbell, David
Gorman, Mary
Porter, Marjorie
Thomas, Joseph

Cote, David
Hawkins, Kenneth
Rokas, Ted
Whitehead, Randall

MERRIMACK

Bouchard, Candace
Gile, Mary
Richardson, Gary

Deloge, Helen
MacKay, James
Shurtleff, Stephen

DeStefano, Stephen
Potter, Frances
Wallner, Mary Jane

Frazer, June
Rice, Chip

ROCKINGHAM

Allen, Mary
Gould, Kenneth
Read, Robin Jr

Cali-Pitts, Jacqueline
Moody, Marcia
Schlachman, Donna

DiPentima, Rich
O'Connor, John
Serlin, Christopher

Dowling, Patricia
Pantelakos, Laura

STRAFFORD

Brown, Julie
Keans, Sandra
Spang, Judith

Browne, Brendon
Pelletier, Marsha
Sprague, Dale

Hofemann, Roland
Schmidt, Peter
Wall, Janet

Horrigan, Timothy
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

and the minority committee report was adopted and ordered to third reading.
Rep. Panek declared a conflict of interest and did not participate.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Carol McGuire moved that the House reconsider its action whereby, on a roll call vote of 219-79, it adopted the minority committee report of Ought to Pass on **HB 623**, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.

Rep. Carol McGuire spoke against.

On a division vote, 59 members having voted in the affirmative and 240 in the negative, the motion failed.

Rep. Panek declared a conflict of interest and did not participate.

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 16, 2011 at 9:00 a.m. Adopted.

LATE SESSION

Third reading and final passage

HB 597, revising the child support guidelines based on an income shares model of calculating child support.

HB 31, relative to insurance payments for ambulance services.

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

HB 175, relative to technical changes in life, accident, and health insurance.

HB 246, relative to prearranged funeral contracts or burial plans.

HB 248, establishing a commission to study business regulations in New Hampshire.

HB 291, relative to permissible fireworks.

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors.

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings.

HB 322, relative to occupancy fees charged by manufactured housing park owners.

HB 398, relative to service animals.

HB 405, relative to dissolving corporations.

HB 419-FN, relative to language in insurance certificates.

HB 424, relative to surplus lines tax collection.

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.

HB 601-FN, relative to implementation of federal health care reform.

HB 627-FN, relative to "essential benefits" under federal health care reform.

HB 544, relative to state authority over firearms and ammunition.

HB 290, relative to staffing exceptions for small schools.

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees.

HB 251, relative to absentee ballots.

HB 257, relative to removal of political advertising.

HB 258, eliminating certain unenforced election laws.

HB 274-FN, relative to voting procedures.

HB 451-FN, relative to prerecorded political messages.

HB 487-FN, relative to election day registrants.

HB 588, relative to polling hours and location of polling places.

HB 46, relative to the membership of the current use advisory board.

HB 30, relative to reciprocity for licensure by the board of veterinary medicine.

HB 43, relative to the adoption of forms under the administrative procedures act.

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor.

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces.

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan.

- HB 503**, allowing a master electrician to have 2 apprentice electricians under his or her supervision.
- HB 508-FN**, establishing a performance measurement system for state agencies.
- HB 196**, relative to the certificates of completion of a basic hunter education program or bow hunter education program.
- HB 71**, authorizing establishment of pharmaceutical drug take-back programs.
- HB 191**, relative to the community mental health system.
- HB 284-FN**, relative to contact lens prescriptions.
- HB 426**, adding certain entities to the unused prescription drug program.
- HB 642-FN**, requiring the departments of health and human services and administrative services to jointly issue a certain request for information.
- HB 146**, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.
- HB 305**, relative to the homestead right.
- HB 347**, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials.
- HB 431**, relative to psychiatric evaluations.
- HB 609-FN**, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.
- HB 401**, relative to postsecondary training for workers with disabilities.
- HB 647**, relative to withholding of wages.
- HB 114**, reinstating and expanding the duties of the joint legislative historical committee.
- HB 190**, relative to legislative study committees.
- HB 520-FN**, requiring certain bills to have performance standard notes.
- HB 144**, relative to energy efficiency and clean energy districts.
- HB 205-FN**, relative to notice to owners of upstream dams.
- HB 358**, relative to the maintenance, repair, and preservation of burial grounds.
- HB 382**, relative to the maintenance of municipal public cemeteries.
- HB 521**, relative to meeting dates for county conventions.
- HB 541**, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits.
- HB 594**, relative to the application of procedures for discharge or suspension from county employment.
- HB 622**, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.
- HB 558**, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts.
- HB 603**, prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official.
- HB 27**, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.
- HB 33**, relative to the care of memorials in Franconia Notch state park.
- HB 149**, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.
- HB 404**, relative to toilet facilities at recreational campgrounds or camping parks.
- HB 439-FN-L**, relative to claiming an invasive species as a habitat.
- HB 381**, authorizing net metering for micro-combined heat and power systems.
- HB 650-FN-L**, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.
- HB 134**, relative to eligibility for walking disability plates.
- HB 397**, relative to image display devices in motor vehicles.
- HB 548**, relative to boater safety education and relative to the minimum age for operation of motorized vessels.
- HB 579**, exempting department of revenue administration guidelines from the right-to-know law.
- HB 605**, authorizing the business finance authority to establish a New Hampshire innovation business job growth program.
- HB 52**, relative to grounds for modification of parental rights and responsibilities.
- HB 178**, establishing a committee to study issues regarding Financial Resources Mortgage, Inc.

HB 262-FN, relative to beverage manufacturers.

HB 276-FN, relative to wine manufacturers.

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine.

HB 629-FN, relative to the uninsured health care database.

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute.

HB 210-FN, relative to the use of deadly force to protect oneself.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.

HB 330-FN, relative to carrying firearms.

HB 378-FN, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of “non-deadly” force.

HB 478-FN-L, relative to testimony by video teleconference.

HB 524-FN, excluding persons convicted of violent crimes from mandatory early release on probation or parole.

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school.

HB 370, making changes to the pupil safety and violence prevention act.

HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission.

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

HB 505-FN, making charter schools eligible for grants for leased space.

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program.

HB 186-FN, relative to the definition of political communication.

HB 411, relative to distributing campaign materials at the polling place.

HB 466-FN, eliminating the ballot law commission.

HB 331-FN, relative to posting agency expenditures on the state transparency website.

HB 355, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards.

HB 444-FN, relative to the commemoration of General John Stark Day.

HB 450, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics.

HB 565, establishing a dental hygienists committee within the board of dental examiners.

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.

UNANIMOUS CONSENT

Rep. DiPentima addressed the House.

RECESS MOTION

Rep. Tucker moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

Adopted.

The House recessed at 6:20 p.m.

RECESS

(Speaker O'Brien in the Chair)

Rep. Jasper moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 11

Wednesday, March 16, 2011

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Gracious and Heavenly Father, we pause and bow our heads to ask for Your blessing and to give thanks for the goodness that You have given us. We remember before You Representative Lynne Ober of Hudson, whose mother passed away last night, and her husband, Representative Russ Ober. Assist us, this day, with the time and the talent we need to accomplish the common good. We ask this by Your Holy name. Amen.

Speaker O'Brien addressed the House in regards to the tragedy in Japan.

MOTON TO PRINT REMARKS

Rep. James Belanger moved that the remarks made by Speaker O'Brien be printed in the Permanent Journal.

Adopted.

REMARKS

Speaker O'Brien: On behalf of the New Hampshire House of Representatives, I want to send our thoughts and prayers to our friends and the many people of Japan who were impacted by the devastating earthquake and tsunami. With the tragic loss of life coupled with what undoubtedly will be many, many months of difficult recovery for the survivors, we send our deepest sympathies and hopes that those in Northeast Japan have seen an end to the catastrophes and that they will quickly get back to having their lives in order. Thank you.

MOMENT OF SILENCE

A moment of silence was observed for those affected by the earthquake and tsunami in Japan.

Representative Frederick Rice, member from Hampton, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Andolina, Beattie, Ronald Belanger, Cox, Day, Grassie, Katsiantonis, Kingsbury and Sapienza, the day, illness.

Reps. Ball, Chase, Comtois, Gimas, Hill, Kidder, Mark Lindsley, William O'Connor, Barry Palmer, Serlin, Shackett, Daniel Sullivan and Weed, the day, important business.

Reps. Lynne Ober, Russell Ober and Schroadter, the day, death in the family.

INTRODUCTION OF GUESTS

Paul Gaylord, guest of Rep. Hardwick. Bob Fellows, guest of Rep. Tucker. Fourth grade students from Bow Elementary School, guests of the Bow and Dunbarton delegation. Rich Amari and Marc Sawyer, guests of Rep. Okerman. Larry Hileman and visitors from the Heritage Baptist Church in Nashua, Eric Davis and visitors from Emmanuel Baptist Church in Hooksett, Paul Miller and visitors from Tabernacle Baptist Church in Litchfield, Sam Phillips and visitors from Nashua Baptist Church, Jorgen Stycharz and visitors from Grace Capital Church in Pembroke and Steve Ferreira, guests of Rep. Avard. The Honorable Joel Winters, former member from Manchester, Eileen Landies, Dan Garthwaite, Sandy Pierre, Steve Villee, Paul Comeau and Brandon Ross, guests of Reps. Warden, Cohn, Pratt and Carol McGuire. Loretta and Jacqueline Greazzo, mother and daughter of Rep. Greazzo. Robert Cooper, guest of Rep. Tamburello.

Emma Rourke and Alden LeClair, students from Nashua High School South, Pages for the day.

REGULAR CALENDAR (CONT'D FROM MARCH 15, 2011)

SPECIAL ORDER

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth H. Gould for the Majority of Executive Departments and Administration: This bill eliminates the racing and charitable gaming commission and transfers all of its duties, personnel, rules, and budget to the state lottery commission. The bill also prohibits the use of new electronic gaming devices in the state without specific statutory authorization. The amendment clarifies that gaming devices can be replaced as needed due to wear and tear. The lottery is a promotional agency and the racing and gaming commission is an enforcement agency, but the committee senses the need to streamline state agencies in this instance. Concerns about regulation of charitable gaming should not be affected by this reorganization. Vote 9-6.

Rep. Lawrence B. Perkins for the Minority of Executive Departments and Administration: Although the minority understands the premise of combining state agencies for the purpose of lowering the budget, we also understand that charitable gaming needs regulation and enforcement and a marketing entity such as the lottery commission is not the vehicle for such an undertaking. In fact five years ago the lottery relinquished bingo and lucky 7's to charitable gaming. This bill looks to save \$60,000 while jeopardizing hundreds of charities in New Hampshire.

Majority Amendment (0538h)

Amend RSA 284:6-a, VI as inserted by section 10 of the bill by replacing it with the following:

VI. Notwithstanding any law, rule or current practice to the contrary, the commission shall not authorize:

(a) Any game, lottery or other offering which was not in use by the public on or before October 1, 2010, including but not limited to any game, lottery or other offering by video slot machine and other gambling machines, devices which function or are designed to emulate a video slot machine or other gambling machine, an historical racing machine, electronic lucky 7 ticket units and computer technology to reveal instant ticket winners, whether in physical presence or through the Internet; or

(b) A reduction in the length of time between placing a wager, purchasing a lottery ticket or otherwise engaging in gambling and the announcement of the result of the wager, lottery or gamble for any game, lottery or other offering which was in use by the public on or before October 1, 2010.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Reps. Lawrence Perkins and Elliott spoke against and yielded to questions.

Reps. Kenneth Gould and Kurk spoke in favor and yielded to questions.

On a division vote, 263 members having voted in the affirmative and 69 in the negative, the majority committee report was adopted.

Ordered to third reading.

HB 425-FN-A-L, making an appropriation for the special education catastrophic aid program for the 2011 fiscal year. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen C. Umberger for Finance: This bill would allocate an extra \$7,892,809 for FY 11 (this year) for special education catastrophic aid. While the committee supports this program, school budgets for FY 11 have already been established. There are no remaining funds available to support this increase. Vote 15-5.

Committee report adopted.

HB 482-FN-A-L, relative to county reimbursements for nursing home services. **INEXPEDIENT TO LEGISLATE.**

Rep. Cindy Rosenwald for Finance: Several years ago, when the state transferred responsibility to the counties for Medicaid long-term costs, the state capped the county costs, starting at \$71.5 million a year for 2008 and rising to \$105 million a year for 2012. The counties sued the state on the grounds of it being an unfunded mandate but did not prevail because the cap prevented them from being harmed. RSA 167:18-a II requires the legislature to set the cap prospectively for the next biennium. The committee understands and agrees with the need to cap the costs. However, since the amount of the cap has been amended in the past, the committee wishes to retain the flexibility of setting the cap within the context of the entire budget. Therefore, the cap will be extended in HB 2. Vote 22-0. Committee report adopted.

HB 206-FN, establishing an apprentice hunting license. **OUGHT TO PASS WITH AMENDMENT.** Rep. Benjamin P. Lefebvre for Fish and Game and Marine Resources: This bill allows the fish and game department to issue an apprentice hunting license to persons who have not completed a hunter education program or provided proof of previous hunting or archery license. The committee feels that issuing an apprentice license for hunting with a bow or a firearm will provide an opportunity for new hunters to explore the enjoyment of hunting in a safe and responsible manner. Vote 9-0.

Amendment (0389h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Fish and Game; Apprentice Hunting License. Amend RSA 214 by inserting after section 6 the following new section:

214:6-a Apprentice Hunting License. Any person who wishes to hunt but who has not completed a hunter education program or provided proof of a previous hunting or archery license, as required in RSA 214:23-a, may purchase an apprentice hunting license. A person holding an apprentice hunting license shall be allowed to hunt only when accompanied by a properly licensed person who is 18 years of age or over. The fees for an apprentice hunting license shall be as provided in RSA 214:9, I for a resident apprentice hunting license, as provided in RSA 214:9, VI for a nonresident apprentice hunting license, or as provided in RSA 214:9, VII-a for a nonresident small game apprentice hunting license. The properly licensed person who is 18 years of age or over accompanying the apprentice shall be fully accountable for any damage incurred or for any violations which may be committed by the apprentice while hunting. Any other permits or licenses for hunting shall be purchased as required by the apprentice hunter. The apprentice hunting license shall not be valid to take moose, shall not apply to the 3-day small game license, and shall not be used as proof of a previous license under RSA 214:23-a, I(c) or II(c). An apprentice hunting license may be purchased only once in the lifetime of the hunter.

2 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill allows the fish and game department to issue an apprentice hunting license to persons who have not completed a hunter education program or provided proof of previous hunting or archery license.

This bill is a request of the fish and game department.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H. Watters for Fish and Game and Marine Resources: This bill revises criteria for lobster and crab licenses issued by the fish and game department. The bill also clarifies provisions for lobster tail permits and landing licenses for lobster and crabs. In an effort to reduce the latent catch related to individuals who are eligible to purchase a commercial lobster and crab license and have not done so, the department will require those eligible to submit a notarized affidavit indicating their intent to remain eligible to purchase such license in subsequent years. The bill was at the request of the department. Vote 9-0.

Amendment (0539h)

Amend RSA 211:18, III(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Beginning January 1, 2012, any eligible individual shall purchase a commercial or limited commercial lobster and crab license for each calendar year in order to remain eligible to purchase such license in subsequent years, except that:

(1) Active duty military personnel stationed outside the state for any portion of the calendar year may submit duty orders and a written request to the executive director to obtain an exemption for that year.

(2) The purchase requirement shall not pertain to those individuals prohibited from purchasing a valid lobster and crab license for the entire calendar due to a court conviction for violation of marine fisheries regulations.

(3) The purchase requirement shall not pertain to those individuals who file with the executive director, each year, a notarized affidavit indicating their intent to remain eligible to purchase such license in subsequent years. The notarized affidavit shall be on a form provided by the department and shall be postmarked on or before June 30 of that year.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Sections 1 and 3 of this act shall take effect January 1, 2012.

II. The remainder of this act shall take effect upon its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 58, relative to inter-facility transfers of critical access hospital patients. **OUGHT TO PASS.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill deletes the exception for emergency medical and trauma services to allow certain providers (MD, RN or PA) to ride alone in the back of an ambulance while transporting a critically ill patient. After much discussion, the NH hospital association, the emergency nurses' association, the NH nurses association and the NH department of safety, division of fire standards and training, emergency planning medical services came together and agreed that having only one clinician in the back of the ambulance was unsafe practice for the patient, the clinician and the hospital, especially considering current emergency medical services law requires two paramedics be in the back of an ambulance with a critically ill patient. The committee agreed. Vote 14-2.

Committee report adopted and ordered to third reading.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: Lyme disease has emerged as a devastating problem for many NH people. There is not a consensus of understanding about treatment modalities. This legislation directs the board of medicine to place a statement on their website that "No licensee may be subject to disciplinary action for prescribing, administering or dispensing long-term antibiotic therapy for a patient clinically diagnosed with Lyme disease, if diagnosis and treatment has been documented in the physician's medical record for that patient." This serves to protect persons with Lyme disease and not interfere with the practice of medicine. Vote 18-0.

Amendment (0748h)

Amend the bill by replacing all after the enacting clause with the following:

1 Board of Medicine; Lyme Disease Treatment. The board of medicine established in RSA 329:2 shall post and maintain on its website the following statement: No licensee may be subject to disciplinary action solely for prescribing, administering, or dispensing long-term antibiotic therapy for a patient clinically diagnosed with Lyme disease, if diagnosis and treatment has been documented in the physician's medical record for that patient.

2 Terms Defined. For purposes of section 1 of this act:

I. "Long-term antibiotic therapy" means the administration of oral, intramuscular, or intravenous antibiotics, singly or in combination, for periods of time in excess of 4 weeks.

II. "Lyme disease" means the disease caused by the bacterium *Borrelia burgdorferi* and transmitted to humans by the bite of an infected blacklegged tick. Typical symptoms include fever, headache, fatigue, and a characteristic skin rash called erythema migrans. If left untreated, infection can spread to joints, the heart, and the nervous system. Lyme disease is diagnosed based on symptoms, physical findings such as rash, and the possibility of exposure to infected ticks; laboratory testing is helpful when used appropriately.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the board of medicine to post a statement on Lyme disease treatment on its website.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 442-FN, relative to the use of marijuana for medicinal purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John M. Reagan for Health, Human Services and Elderly Affairs: This bill first and foremost keeps the decision of medicinal healthcare between the patient and physician and not the government. It also removes the risk of any ailing patient from arrest, prosecution and jail if legally using cannabis for medicinal purposes. For a significant number of patients, clinical experience and research

confirm that marijuana serves as the only effective medicine for relieving pain, suppressing nausea, stimulating appetite, minimizing severe and chronic symptoms as a result of serious and terminal medical conditions and creating an opportunity for patients to connect with their loved ones in their dying days. Numerous studies by blue-ribbon government panels and federally funded, peer reviewed scientific studies have consistently found that cannabis is effective for treating certain debilitating symptoms when traditional, legally prescribed, therapeutic drugs are not effective. Studies have consistently found that cannabis is an effective analgesic and antispasmodic agent, that its side effects are often less debilitating than those of drugs currently approved for treating the same ailments, and for some individuals is the only meaningful option. It is one of the safest therapeutically active substances known. For certain persons, the medical use of marijuana laws such as HB 442 are not preempted by federal law, as stated explicitly in the Federal Controlled Substance Act. As of July 2, 2010, the department of veterans affairs (a federal agency) accepts medical cannabis as an effective medicine and formally allows patients treated at its hospitals and clinics to use medicinal cannabis in those states where it is legal as an alternative medicine. Vote 14-3.

Amendment (0734h)

Amend the bill by replacing all after the enacting clause with the following:

1 Findings.

I. Modern medical research has discovered beneficial uses for marijuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

II. Subsequent studies since the 1999 National Academy of Sciences' Institute of Medicine report continue to show the therapeutic value of marijuana in treating a wide array of debilitating medical conditions. These include relief of the neuropathic pain caused by multiple sclerosis, HIV/AIDS, and other illnesses that often fails to respond to conventional treatments and relief of nausea, vomiting, and other side effects of drugs used to treat HIV/AIDS and hepatitis C, increasing the chances of patients continuing on life-saving treatment regimens.

III. Marijuana has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 500,000 patients in states with medical marijuana laws. Marijuana's medical utility has been recognized by a wide range of medical and public health organizations, including the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, and many others.

IV. Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics shows that approximately 99 out of every 100 marijuana arrests in the United States are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use marijuana.

V. Alaska, California, Colorado, the District of Columbia, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, New Jersey, Oregon, Vermont, Rhode Island, and Washington have removed state-level criminal penalties from the medical use and cultivation of marijuana. New Hampshire joins in this effort for the health and welfare of its citizens.

VI. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this act does not put the state of New Hampshire in violation of federal law.

VII. State law should make a distinction between the medical and non-medical uses of marijuana. Hence, the purpose of this act is to protect patients with debilitating medical conditions, as well as their physicians and designated caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana.

VIII. The people of the state of New Hampshire declare that they enact this act pursuant to the police power to protect the health of its citizens that is reserved to the state of New Hampshire and its people under the 10th Amendment to the United States Constitution.

2 New Chapter; Use of Marijuana for Medicinal Purposes. Amend RSA by inserting after chapter 126-U the following new chapter:

CHAPTER 126-V

USE OF MARIJUANA FOR MEDICINAL PURPOSES

126-V:1 Definitions. In this chapter:

I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-V:8 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana, or related supplies and educational materials, to a registered qualifying patient who has designated it, either by dispensing it directly to the registered qualifying patient or by dispensing it to his or her registered designated caregiver.

II. "Alternative treatment center agent" means a principal officer, board member, employee, manager, or volunteer of a registered alternative treatment center who is 21 years of age or older.

III. "Cardholder" means a qualifying patient, a designated caregiver, or an alternative treatment center agent who has been issued and possesses a valid registry identification card.

IV. "Chronic or terminal disease" means cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, agitation of Alzheimer's disease, or multiple sclerosis.

V. "Debilitating medical condition" means the presence of both:

(a) A chronic or terminal disease; and

(b) Symptoms or treatment results that include at least one of the following: cachexia or wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures for more than 3 months, severe nausea, severe vomiting, seizures, or severe, persistent muscle spasms.

VI. "Department" means the department of health and human services.

VII. "Designated caregiver" means an individual who is at least 21 years of age including a licensed health care professional, but who is not a qualifying patient, and who has agreed to assist with a patient's medical use of marijuana, including acquiring medical marijuana from an alternative treatment center and delivering it to the qualifying patient, and who has never been convicted of any drug-related offense. Except for a licensed health care professional, a designated caregiver may serve as a designated caregiver for only one qualifying patient at a time.

VIII. "Marijuana" means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term does not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

IX. "Medical use" means the acquisition, possession, preparation, use, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms or results of treatment associated with the registered qualifying patient's debilitating medical condition.

X. "Physician" means an individual licensed to prescribe drugs to humans under RSA 329 and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances, except that in relation to a visiting qualifying patient, "physician" means an individual licensed to prescribe drugs to humans in the state of the patient's residence and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances.

XI. "Qualifying patient" means an individual who has been diagnosed by a physician as having a debilitating medical condition.

XII. "Registry identification card" means a document issued by the department that identifies an individual as a qualifying patient, a designated caregiver, or a registered alternative treatment center agent.

XIII. "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter. A seedling shall meet all three criteria set forth in this paragraph.

XIV. "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.

XV. "Visiting qualifying patient" means a patient with a debilitating medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30 days.

XVI. "Written certification" means a document signed by a physician stating that in the physician's professional opinion, after having completed a full assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship as defined in RSA 329:1-c of at least 3 months in duration, the qualifying patient has a debilitating medical condition, and the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. The written certification shall be valid for up to one year and shall specify the qualifying patient's debilitating medical condition, which also shall be noted in the qualifying patient's medical records.

126-V:2 Protections for the Medical Use of Marijuana.

I. A qualifying patient who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for the medical use of marijuana in accordance with this chapter, if the qualifying patient possesses an amount of usable marijuana that does not exceed 2 ounces. A qualifying patient shall remain subject to the provisions of RSA 126-V:5.

II. A designated caregiver who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of usable marijuana in accordance with this chapter, if the designated caregiver possesses an amount of marijuana that does not exceed 2 ounces of usable marijuana. A designated caregiver shall remain subject to the provisions of RSA 126-V:5.

III.(a) A qualifying patient is presumed to be lawfully engaged in the medical use of marijuana in accordance with this chapter if the qualifying patient possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(b) A designated caregiver is presumed to be lawfully engaged in assisting with the medical use of marijuana in accordance with this chapter if the designated caregiver possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(c) The presumptions made in subparagraphs (a) and (b) may be rebutted by evidence that conduct related to marijuana was not for the purpose of treating or alleviating the registered qualifying patient's debilitating medical condition or symptoms or effects of the treatment associated with the debilitating medical condition, in accordance with this chapter.

IV.(a) An alternative treatment center may accept marijuana seeds, seedlings, plants, or useable marijuana from other registered alternative treatment centers in New Hampshire. An alternative treatment center may transfer or sell marijuana seeds, seedlings, plants, or useable marijuana to other registered alternative treatment centers in New Hampshire.

(b) An alternative treatment center may accept a donation of marijuana seeds or seedlings, without compensation, from individuals and entities from jurisdictions outside of New Hampshire who are authorized to cultivate medical marijuana in their home state.

(c) Individuals and entities from jurisdictions outside of New Hampshire who are authorized to cultivate medical marijuana in their home state shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege for donating marijuana seeds or seedlings to alternative treatment centers in New Hampshire.

V.(a) No school or landlord may refuse to enroll or lease to, or otherwise penalize, an individual solely for his or her status as a registered qualifying patient or a designated caregiver, unless failing to do so would put the school or landlord in violation of federal law or regulations.

(b) For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of marijuana in accordance with this chapter shall be considered the equivalent of the authorized use of any other medication used at the direction of a physician, and shall not constitute the use of an illicit substance.

(c) Unless a failure to do so would constitute a violation of federal law or federal regulations, an employer shall not discriminate against an individual in hiring, termination, or any term or condition of employment, or otherwise penalize an individual, based upon either of the following:

(1) The individual's status as a registered qualifying patient or registered designated caregiver; or

(2) A registered qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used or possessed, or was under the influence of or impaired by marijuana

on the premises of the place of employment. For purposes of this chapter, "impaired" includes but is not limited to instances where the registered qualifying patient is not able to safely perform essential job tasks.

VI. A person otherwise entitled to custody of, or visitation or parenting time with, a minor shall not be denied such a right solely for conduct allowed under this chapter and there shall be no presumption of neglect or child endangerment.

VII. A registered designated caregiver who is a licensed health care professional may receive compensation for costs associated with assisting a registered qualifying patient who has designated the designated caregiver to assist him or her with the medical use of marijuana. Such compensation shall not constitute the sale of controlled substances.

VIII. A physician shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the New Hampshire board of medicine or any other occupational or professional licensing board or bureau, solely for providing written certifications or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms or effects of treatment associated with the debilitating medical condition, provided that nothing shall prevent a professional licensing board from sanctioning a physician for failing to properly evaluate a patient's medical condition or otherwise violating the standard of care.

IX. Any marijuana, marijuana paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the medical use of marijuana as allowed under this chapter, or acts incidental to such use, shall not be seized or forfeited.

X. An individual shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, simply for being in the presence or vicinity of the medical use of marijuana as allowed under this chapter.

XI. A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess marijuana for medical purposes, shall have the same force and effect as a registry identification card issued by the department, provided that a debilitating medical condition as defined in RSA 126-V:1, V exists.

XII. Any cardholder who transfers marijuana to an individual who is not a cardholder under this chapter shall be guilty of a class B felony, shall have his or her registry identification card revoked, and shall be subject to other penalties as provided in RSA 318-B:26. The department may revoke the registry identification card of any cardholder who violates any provision of this chapter, and the cardholder shall be subject to any other penalties established in law for the violation.

XIII. The protections provided to cardholders in this section shall exist only upon presentation of a valid registry identification card.

126-V:3 Departmental Administration.

I. Except as provided for in paragraphs II and III, the department shall issue registry identification cards to qualifying patients who submit all of the following information:

- (a) Written certification as defined in RSA 126-V:1, XVI.
- (b) Application or renewal fee.
- (c) Name, residential and mailing address, and date of birth of the qualifying patient, except that if the applicant is homeless, no residential address is required.
- (d) Name, address, and telephone number of the qualifying patient's physician.
- (e) Name, address, and date of birth of the qualifying patient's designated caregiver, if any.
- (f) Name and address of the alternative treatment center that the qualifying patient designates; a qualifying patient may designate no more than one alternative treatment center at any time.
- (g) A statement signed by the qualifying patient, pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter and acknowledging that their diversion of marijuana is punishable by a class B felony and revocation of one's registry identification card, in addition to other penalties for the illegal sale of marijuana.
- (h) A complete set of fingerprints for the qualifying patient's designated caregiver, if any.
- (i) A signed statement from the designated caregiver, if any, agreeing to be designated as the patient's designated caregiver and pledging not to divert marijuana to anyone who is not allowed

to possess marijuana pursuant to this chapter and acknowledging that their diversion of marijuana is punishable by a class B felony and revocation of one's registry identification card, in addition to other penalties for the illegal sale of marijuana.

II. The department shall not issue a registry identification card to a qualifying patient who is under the age of 18 unless:

(a) The qualifying patient's physician has explained the potential risks and benefits of the medical use of marijuana to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:

(1) Allow the qualifying patient's medical use of marijuana;

(2) Serve as the qualifying patient's designated caregiver;

(3) Control the acquisition of the marijuana and the frequency of the medical use of marijuana by the qualifying patient; and

(c) The custodial parent or legal guardian completes an application on behalf of the minor.

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within 15 days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, the applicant previously had a registry identification card revoked for violating the provisions of this chapter, or if the department determines that the information provided was falsified. An applicant who is aggrieved by a department decision may request an administrative hearing at the department.

IV. The department shall require a state and federal criminal records check on each person who is applying to be a designated caregiver or an alternative treatment center agent. The department shall request the department of safety to perform the state and federal criminal records check and the department of safety shall complete such records checks and convey the findings of such checks to the department within 30 days of the request. The department and the department of safety may exchange necessary data including fingerprint data with the Federal Bureau of Investigation without disclosing that the records check is related to the provisions of RSA 126-V and acts permitted by it. The department and the department of safety shall destroy each set of fingerprints obtained pursuant to this chapter after the criminal records check is complete.

V. The department shall issue a registry identification card to the designated caregiver, if any, who is named in a qualifying patient's approved application and who qualifies under this chapter. The department shall notify the qualifying patient who has designated someone to serve as his or her designated caregiver if a registry identification card will not be issued to the individual.

VI. The department shall issue registry identification cards to qualifying patients and to the designated caregivers within 5 days of approving an application or renewal. Each registry identification card shall expire one year after the date of issuance, unless the physician states in the written certification that he or she believes the qualifying patient would benefit from medical marijuana only until a specified earlier date, then the registry identification card shall expire on that date.

(a) In the case of qualified patients and designated caregivers, registry identification cards shall contain all of the following:

(1) Name, mailing address, and date of birth of the qualifying patient.

(2) If the cardholder is a designated caregiver, the designated caregiver's name, address, and date of birth.

(3) The date of issuance and expiration date of the registry identification card.

(4) A random 10-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the cardholder.

(5) A photograph of the cardholder.

(6) A statement that the cardholder is permitted under state law to possess marijuana pursuant to this chapter for the medical use of the qualifying patient.

(b) In the case of a registered alternative treatment center agent, registry identification cards shall contain all of the following:

(1) Name, mailing address, and date of birth of the cardholder.

(2) The name and address of the alternative treatment center.

(3) The date of issuance and expiration date of the registry identification card.

(4) A random 10-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the cardholder.

(5) A photograph of the cardholder.

(6) A statement that the cardholder is permitted to engage in activities for the alternative treatment center to cultivate and provide medical marijuana to qualified patients and designated caregivers in accordance with this chapter and a designation as to whether the person is a principal officer, board member, employee, or volunteer.

VII. The department shall track the number of registered qualifying patients who have designated each alternative treatment center and issue a monthly written statement to the alternative treatment center identifying the number of registered qualifying patients who have designated that alternative treatment center along with the registry identification numbers of each patient and each patient's designated caregivers.

VIII. In addition to the monthly reports, the department shall also provide written notice to an alternative treatment center which identifies the names and registration identification numbers of a qualifying patient and his or her designated caregivers whenever any of the following events occur:

(a) A qualifying patient designates the alternative treatment center to serve his or her needs under this chapter;

(b) An existing registered qualifying patient revokes the designation of the alternative treatment center because he or she has designated a different alternative treatment center instead; or

(c) A registered qualifying patient who has designated the alternative treatment center loses his or her status as a registered qualifying patient under this chapter.

IX. The following notifications and department responses are required:

(a) A registered qualifying patient shall notify the department of any change in his or her name, address, or designated caregiver within 10 days of such change.

(b) A registered qualifying patient or alternative treatment center agent who fails to notify the department of any of these changes shall be guilty of a violation, punishable by a fine of no more than \$150. If the qualifying patient's certifying physician notifies the department in writing that either the qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would receive benefit from the medical use of marijuana, the card is null and void upon notification by the department to the qualifying patient.

(c) A registered designated caregiver or alternative treatment center agent shall notify the department of any change in his or her name or address within 10 days of such change. A registered designated caregiver or alternative treatment center agent who fails to notify the department of any of these changes shall be guilty of a violation, punishable by a fine of no more than \$150.

(d) When a qualifying patient, designated caregiver, or alternative treatment center agent notifies the department of any change to a name, address, alternative treatment center, or designated caregiver, the department shall issue the cardholder a new registry identification card with a new random 10-digit identification number within 15 days of receiving the updated information and a \$10 fee.

(e) A registered qualifying patient who no longer has a debilitating medical condition and the patient's registered designated caregiver and alternative treatment center shall return all registry identification cards associated with that qualifying patient to the department within 48 hours of receiving the diagnosis by the patient's physician. When a registered qualifying patient dies, the family or designated caregiver shall notify the designated alternative treatment center within 24 hours, the alternative treatment center shall make arrangements to pick up any remaining supply of marijuana within 48 hours of receiving such notification, and the protections of this chapter shall no longer apply.

(f) If a cardholder loses his or her registry identification card, he or she shall notify the department and submit a \$10 fee within 10 days of losing the card. Within 5 days after such notification, the department shall issue a new registry identification card with a new random 10-digit identification number.

X. Mere possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the individual or property of the individual possessing or applying for the registry identification card. The seizure of, or application for, a registry identification card shall not preclude the existence of probable cause if probable cause exists on other grounds.

XI.(a) The department shall create and maintain a confidential registry of registered qualifying patients, designated caregivers, and alternative treatment center agents who have applied for and are entitled to receive a registry identification card in accordance with the provisions of this chapter.

(b)(1) Except as specifically provided in this chapter, no person shall be permitted to gain access to any information about qualifying patients, designated caregivers, and alternative treatment center agents in the department's confidential registry, or any information otherwise maintained by the department about physicians and alternative treatment centers, except for authorized employees of the department in the course of their official duties and authorized employees of local and state law enforcement agencies who have stopped or arrested an individual who claims to be engaged in the medical use of marijuana. Authorized employees of local and state law enforcement agencies shall be granted access to the information within the department's confidential registry only for the purpose of verifying that an individual who has presented a registry identification card to the state or local law enforcement official is lawfully in possession of such card. In addition, if a state or local law enforcement agent has obtained a search or arrest warrant for a specific individual or address for which the law enforcement agent has probable cause to believe possesses, cultivates, or distributes marijuana, the department shall confirm or deny whether the individual or location is a registered qualifying patient, designated caregiver, or alternative treatment center agent.

(2) An employer, landlord, court, administrative hearings officer, or health care provider that has been presented with a registry identification card by a person asserting that they are entitled to protections under RSA 126-V:2 may contact the department to verify the validity of the registry identification card. The department shall verify a registry identification card to an employer, landlord, court, or health care provider who requests verification pursuant to this paragraph, provided that the employer, landlord, court, or health care provider provides the random identification card number on the registry identification card. In verifying the validity of a registry identification card, the department shall confirm only whether a card bearing the random identification card number is valid and the name of the person to whom it was issued.

(c) An individual shall be guilty of a class B misdemeanor for breaching the confidentiality of information obtained pursuant to this chapter, except that department employees shall be exempt for notifying law enforcement officials about falsified or fraudulent information submitted to the department, provided the employee who suspects that falsified or fraudulent information has been submitted confers with his or her supervisor, and both agree that circumstances exist that warrant the notification.

XII. The department shall submit to the legislature an annual report that does not disclose any identifying information about qualifying patients, designated caregivers, or physicians, but does contain, at a minimum, all of the following information:

- (a) The number of applications and renewals filed for registry identification cards.
- (b) The number of qualifying patients and designated caregivers approved in the state.
- (c) The number of alternative treatment centers registered in the state.
- (d) The nature of the debilitating medical conditions of the qualifying patients.
- (e) The number of registry identification cards revoked.
- (f) The number of physicians providing written certifications for qualifying patients.

XIII. Where a state or local law enforcement agency encounters an individual who, during the course of an investigation, credibly asserts that he or she is a registered qualifying patient or registered designated caregiver or encounters a registered alternative treatment center, the law enforcement agency shall not provide any information from any marijuana-related investigation of the individual or entity to any law enforcement authority that does not recognize the protection of this chapter and any prosecution of the individual or entity for a violation of this chapter shall be conducted pursuant to the laws of this state. This paragraph shall not apply in cases where the state or local law enforcement agency has probable cause to believe the person is distributing marijuana to a person who is not allowed to possess it under this chapter, nor shall it prevent the sharing of information if the primary offense is unrelated to marijuana.

XIV. The application for qualifying patients' registry identification cards shall include a question asking whether the patient would like the department to notify him or her of any clinical studies regarding marijuana's risk or efficacy that seek human subjects. The department shall inform those patients who answer in the affirmative of any such studies it is notified of that will be conducted in the United States.

126-V:4 Department Rules. Not later than one year after the effective date of this chapter, the department shall adopt rules, pursuant to RSA 541-A, governing the manner in which it shall consider applications for issuance and renewals of registry identification cards for qualifying patients and designated caregivers. The department's rules shall establish application and renewal fees for registry identification cards in accordance with the following:

I. The fee structure by the department for alternative treatment centers and registry identification cards shall generate revenues sufficient to offset all state expenses of implementing and administering this chapter; however,

II. The department may accept donations from private sources without the approval of the governor and council in order to reduce the application and renewal fees.

126-V:5 Prohibitions, Restrictions, and Limitations on the Use of Medical Marijuana.

I. A registered qualifying patient may use medical marijuana on privately-owned real property only with the permission of the property owner or in the case of leased property with the permission of the tenant in possession of the property, except that a tenant shall not allow a qualified patient to smoke medical marijuana on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. However, a tenant in possession may permit a qualified patient to use medical marijuana on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of marijuana without the combustion of the marijuana.

II. Nothing in this chapter shall exempt any person from arrest or prosecution for:

(a) Being under the influence of marijuana while:

(1) Operating a motor vehicle, commercial vehicle, boat, or vessel, or any other vehicle propelled or drawn by power other than muscular power;

(2) In his or her place of employment, without the written permission of the employer; or

(3) Operating heavy machinery or handling a dangerous instrumentality.

(b) The use or possession of marijuana by a qualified patient or other cardholder:

(1) For purposes other than alleviating symptoms as permitted by this chapter; or

(2) In a manner that endangers the health, well-being, or safety of another person;

(c) The smoking of marijuana in any public place, including:

(1) A school bus, public bus, or other public vehicle;

(2) A workplace or place of employment, without the written permission of the employer;

(3) The grounds of any preschool or primary or secondary school;

(4) Any correctional facility; or

(5) Any public park, public beach, public recreation center, public field, or youth center.

II. Nothing in this chapter shall be construed to require:

(a) A governmental, private, or any other health insurance provider, health care plan, or medical assistance program to be liable for any claim for reimbursement for the medical use of marijuana;

(b) Any individual or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use marijuana on or in that property. This chapter shall not limit an individual or entity in lawful possession of property, or an agent of such individual or entity, from expelling an individual who uses marijuana without permission from their property and from seeking civil and criminal penalties for the unauthorized use of marijuana on their property;

(c) Any accommodation of any medical use of marijuana on the property or premises of any place of employment or on the property or premises of any jail, correctional facility, or other type of penal institution where prisoners reside or persons under arrest are detained. This chapter shall in no way limit an employer's ability to discipline an employee for ingesting marijuana in the workplace or working while under the influence of marijuana;

(d) A landlord to permit a qualified patient to use marijuana in any common areas of leased property.

(e) A landlord to permit a qualified patient to smoke marijuana on any or in any leased property, except that a landlord may not prohibit the medical use of marijuana on leased property by a qualified patient through means other than smoking, including but not limited to the ingestion of medical marijuana or the inhalation through vaporization, as long as the tenant in possession of the property provides permission to the qualified patient to use medical marijuana in the rented property.

III. Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine of \$500, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marijuana other than use undertaken pursuant to this chapter.

126-V:6 Affirmative Defense. Except as provided in RSA 126-V:5, it is an affirmative defense to any prosecution of an offense involving marijuana intended for medical use that:

I. The defendant is a qualifying patient in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than is allowed under this chapter; or

II. The defendant is a designated caregiver in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than is allowed under this chapter; and

III. The qualifying patient or the qualifying patient's designated caregiver was engaged in the acquisition, possession, preparation, use, or transportation of marijuana, paraphernalia, or both, relating to the administration of marijuana solely to treat or alleviate the qualifying patient's debilitating medical condition or symptoms or effects of treatment associated with the qualifying patient's debilitating medical condition.

126-V:7 Enforcement.

I. If the department fails to issue a valid registry identification card in response to a completed application for issuance or renewal submitted by a qualifying patient by certified mail pursuant to this chapter within 20 days of the application for issuance or renewal, the registry identification card shall be deemed granted, and a copy of the registry identification application or renewal shall be deemed a valid registry identification card.

II. If the department fails to issue a valid registry identification card in response to a completed application for issuance or renewal submitted by an alternative treatment center agent or a designated caregiver by certified mail pursuant to this chapter within 45 days of the application for issuance or renewal, the registry identification card shall be deemed granted, and a copy of the registry identification application or renewal shall be deemed a valid registry identification card.

III. If at any time after one year following the effective date of this chapter the department is not accepting applications, including if it has not adopted rules allowing qualifying patients to submit applications, a notarized statement by a qualifying patient containing the information required in an application, pursuant to RSA 126-V:3, I together with a written certification shall be deemed a valid registry identification card.

126-V:8 Alternative Treatment Centers.

I. An alternative treatment center registered under this section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or dispense marijuana, marijuana paraphernalia, and related supplies and educational materials, to registered qualifying patients who have designated it as their alternative treatment center and to their registered designated caregivers for the registered qualifying patients' medical use. An alternative treatment center may receive consideration for providing the goods and services allowed by this section. An alternative treatment center may cultivate and possess whichever of the following quantities is greater: (a) 96 marijuana plants, 96 seedlings, and 32 ounces of usable marijuana; or (b) 6 plants, 6 seedlings, and 2 ounces for each registered qualifying patient who has designated the alternative treatment center to provide him or her with marijuana for medical use. An alternative treatment center may also possess marijuana seeds, stalks, and unusable roots.

II.(a) Not later than one year after the effective date of this section, the department shall adopt rules, pursuant to RSA 541-A, governing alternative treatment centers and the manner in which it shall consider applications for registration certificates for alternative treatment centers, including, but not necessarily limited to, rules governing:

(1) The form and content of registration and renewal applications.

(2) Oversight requirements.

(3) Security requirements, which shall include at a minimum, lighting, physical security, video security, alarm requirements, measures to prevent loitering, and on-site parking.

(4) Sanitary requirements.

(5) Electrical safety requirements.

(6) The specification of acceptable forms of picture identification that an alternative treatment center may accept when verifying a sale.

(7) Personnel requirements including how many volunteers an alternative treatment center is permitted to have and requirements for supervision.

(8) Labeling standards.

(9) Procedures for suspending or terminating the registration of alternative treatment centers that violate the provisions of this section or the rules adopted pursuant to this section, procedures for appealing penalties, and a schedule of penalties.

(10) Procedures for inspections and investigations.

(11) Advertising restrictions, including a prohibition of misrepresentation and unfair practices.

(12) Permissible hours of operation.

(13) The fees for the processing and review of applications for registration as an alternative treatment center for the registration and regulation of an alternative treatment center after it has been approved by the department. Such fees shall be established in an amount that covers all costs of the department and other state agencies, as applicable, for the review, registration, and regulation of alternative treatment centers.

(14) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this chapter.

(b) The department shall adopt rules with the goal of protecting against diversion and theft, without imposing an undue burden on the registered alternative treatment centers or compromising the confidentiality of registered qualifying patients and their registered designated caregivers.

(c) Within 30 days of the adoption of rules, the department shall begin accepting applications for the operation of alternative treatment centers.

(d) Within 18 months of the effective date of this section, provided that at least 3 applications have been submitted that score sufficiently high to receive a certificate, the department shall issue alternative treatment center registration certificates to the three highest-scoring applicants.

(e) Any time an alternative treatment center registration certificate is revoked, is relinquished, or expires, the department shall accept applications for a new alternative treatment center and issue registration certificates to the applicant who scores the highest.

(f) If at any time after one year after the effective date of this section, fewer than 3 alternative treatment centers hold valid registration certificates in New Hampshire, the department shall accept applications for a new alternative treatment center. Except as provided in subparagraph (g), no more than 3 alternative treatment centers may hold valid registration certificates at one time.

(g) If at any time after 2 years after the effective date of this section, the report issued pursuant to RSA 126-V:9 determines that 3 alternative treatment centers are not sufficient to ensure access to registered qualifying patients throughout the state, the department shall accept applications for up to 2 additional alternative treatment centers and issue registration certificates to the appropriate number of applicants who score the highest. The number of additional alternative treatment centers shall be determined by the department, based on the report issued pursuant to RSA 126-V:9.

III. (a) An alternative treatment center applicant must submit a completed department-approved application form with all required documentation and a non-refundable fee in an amount set by department rule. The alternative treatment center application and supporting materials must include, at a minimum:

(1) The legal name, articles of incorporation, and bylaws of the alternative treatment center.

(2) The proposed physical address of the alternative treatment center, if a precise address has been determined, or, if not, the general location where it would be located. This may include a second location for the cultivation of medical marijuana.

(3) A description of the enclosed, locked facility that would be used in the cultivation of marijuana by the alternative treatment center.

(4) The name, address, and date of birth of each principal officer and board member of the alternative treatment center and a complete set of fingerprints for each of them. The board of directors for the non-profit must include at least one physician, nurse, or pharmacist licensed to practice in New Hampshire and at least 3 patients qualified to register as registered qualifying patients.

(5) Proposed security and safety measures that comply with the rules issued pursuant to 126-V:8 II (a)(4), including a description of interior and exterior lighting and security systems; and

(6) Written procedures, including for cultivation, inventory control, food preparation, if any, quality control, record keeping and incident reporting.

(7) Copies of educational materials that would be provided.

(8) The distance from any pre-existing private or public school.

(9) A copy of the proposed policy regarding services to registered patients who cannot afford to purchase marijuana for medical purposes.

(10) Information demonstrating the applicant's knowledge of organic growing methods to be used in their growing and cultivation of marijuana.

(11) Steps that will be taken to ensure the quality of the marijuana, including purity and consistency of dose.

(12) A start-up timetable which provides an estimated time from registration of the dispensary to full operation, and the assumptions used for the basis of those estimates.

(13) Information showing the applicant's experience running a non-profit or other business.

(14) A full description of a staffing plan that will provide accessible business hours, safe growing and cultivation, and maintenance of confidential information regarding grow sites and the identity of patient information.

(15) A description of any additional services that will be available to patients.

(b) Any time one or more alternative treatment center registration applications are being considered, the department shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered designated caregivers, and the towns or cities where the applicants would be located.

(c) Each time an alternative treatment center certificate is granted, the decision shall be based on the overall health needs of qualified patients and the safety of the public. The department shall evaluate applications for alternative treatment center registration certificates using an impartial and numerically scored competitive bidding process developed by the department in accordance with this chapter. The department shall require applicants to meet a minimum score to be considered. The registration considerations shall include the following criteria:

(1) The suitability of the proposed location or locations, including compliance with any local zoning laws and geographic convenience to patients from throughout the state of New Hampshire to alternative treatment centers if the applicant were approved.

(2) The proposed alternative treatment center's plan for operations and services, including its staffing and training plans, whether it has sufficient capital to operate, and ability to provide a steady supply of marijuana to the registered qualifying patients in the state.

(3) The principal officer and board members' character and relevant experience, including any training or professional licensing related to medicine, pharmaceuticals, natural treatments, botany, or marijuana cultivation and preparation and their experience running a non-profit organization or business.

(4) The applicant's plan for making medical marijuana available on an affordable basis to registered qualifying patients enrolled in Medicaid or receiving Supplemental Security Income or Social Security Disability Insurance.

(5) The applicant's plan for safe and accurate packaging and labeling of medical marijuana, including the applicant's plan for ensuring that all medical marijuana is free of contaminants.

(6) The sufficiency of the applicant's plans for record keeping and inventory control. Records shall be considered confidential health care information under New Hampshire law and are intended to be deemed protected health care information for purposes of the federal Health Insurance Portability and Accountability Act of 1996, as amended. Any dispensing records that a registered alternative treatment center is required to keep shall keep track of transactions according to registered qualifying patients', registered designated caregivers', and registered alternative treatment centers' registry identification numbers, rather than their names, to protect their confidentiality.

(7) The sufficiency of the applicant's plans for safety and security, including proposed location and security devices employed.

(8) Whether the entity possesses or has the right to use sufficient land, buildings, and equipment to properly carry out its duties as an alternative treatment center.

(d) After an alternative treatment center is approved, but before it begins operations, it shall submit the registration and regulation fee paid to the department in accordance with the rules adopted by the department.

(e) Except as provided in subparagraph (h), the department shall issue each alternative treatment center agent a registry identification card or renewal card within 15 days of receipt of the person's name, address, and date of birth and a fee in an amount established by the department. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, or employee of an alternative treatment center and shall contain the following:

- (1) The name, address, and date of birth of the alternative treatment center agent.
- (2) The legal name of the alternative treatment center with which the alternative treatment center agent is affiliated.
- (3) A random identification number that is unique to the cardholder.
- (4) The date of issuance and expiration date of the registry identification card.
- (5) A photograph of the cardholder.

(f) Except as provided in this section, the department shall not issue a registry identification card to any principal officer, board member, agent, volunteer, or employee of an alternative treatment center who has been convicted of a drug-related offense. The department shall conduct a background check of each principal officer, board member, agent, volunteer, or employee in order to carry out this provision. The department shall notify the alternative treatment center in writing of the reason for denying the registry identification card. The department may grant such person a registry identification card if the department determines that the offense was for conduct that occurred prior to the effective date of this chapter or that was prosecuted by an authority other than the state of New Hampshire and for which the provisions of this chapter would otherwise have prevented a conviction.

(g) A registration identification card of an alternative treatment center agent shall expire one year after its issuance, or upon the expiration of the registered organization's registration certificate, whichever occurs first.

(h) Notwithstanding any other provision of law, information required to be submitted to the department on an application for an alternative treatment center identifying the locations where marijuana is proposed to be grown, cultivated, harvested, and otherwise prepared for distribution to registered qualifying patients, registered caregivers, and alternative treatment centers, if such location is different from the location of the alternative treatment center, and any other department records identifying such location, shall be considered to be confidential information and not subject to disclosure pursuant to RSA 91-A, provided that such information may be disclosed to a law enforcement agency upon request for purposes of enforcement under this chapter.

IV. (a) An alternative treatment center's registration shall expire 2 years after its registration certificate is issued. The alternative treatment center may submit a renewal application beginning 60 days prior to the expiration of its registration certificate.

(b) The department shall grant an alternative treatment center's renewal application within 30 days of its submission if the following conditions are all satisfied:

(1) The alternative treatment center submits the required fee, which shall be refunded within 30 days if the renewal application is rejected.

(2) The department has not suspended the alternative treatment center's registration for violations of this chapter or rules adopted pursuant to this chapter.

(3) The alternative treatment center is complying with the requirements in paragraph VI.

(4) The inspections authorized by paragraph V and the report, provided pursuant to subparagraph VI (h), do not raise serious concerns about the continued operation of the alternative treatment center applying for renewal.

(c) If the department determines that any of the conditions listed in subparagraphs (b)(1)-(4) do not exist, the department shall begin an open application process for the operation of an alternative treatment center. In granting a new registration certificate, the department shall consider factors listed in subparagraphs III(a) and III(c).

(d) The department shall issue a 30-day temporary registration certificate to an alternative treatment center after that center's registration would otherwise expire if the following conditions are all satisfied:

(1) The alternative treatment center has applied for a renewal, but the department has not yet come to a decision.

(2) The alternative treatment center requested a temporary registration certificate.

(3) The alternative treatment center has not had its registration certificate revoked due to violations of this chapter or rules adopted pursuant to this chapter.

V. Alternative treatment centers shall be subject to reasonable inspection by the department of health and human services. During an inspection, the department may review the alternative treatment center's records, including its confidential dispensing records, which shall track transactions according to registered qualifying patients' registry identification numbers to protect their confidentiality.

VI. (a) An alternative treatment center shall be operated on a not-for-profit basis for the benefit of its patients. An alternative treatment center need not be recognized as a tax-exempt organization by the Internal Revenue Service.

(b) An alternative treatment center may not be located in a residential district or within 500 feet of the property line of a pre-existing public or private school or playground.

(c) An alternative treatment center shall notify the department within 10 days of when an alternative treatment center agent ceases to be associated with and/or work at the alternative treatment center. His or her registry identification card shall be deemed null and void and the person shall be liable for any other penalties that may apply to the person's non-medical use of marijuana.

(d) An alternative treatment center shall notify the department in writing of the name, address, and date of birth of any proposed new alternative treatment center agent and shall submit a fee in an amount established by the department for a new registry identification card before a new agent or employee begins working at the alternative treatment center, and shall submit a complete set of fingerprints for the prospective alternative treatment center agent.

(e) An alternative treatment center shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana, and shall ensure that each location has an operational security alarm system.

(f) The operating documents of an alternative treatment center shall include procedures for the oversight of the alternative treatment center and procedures to ensure accurate record keeping.

(g) Each alternative treatment center shall keep the following records, dating back at least one year:

(1) Records of the disposal of marijuana that is not distributed by the alternative treatment center to registered patients who have designated the alternative treatment center to cultivate for them.

(2) A record of each transaction, including the amount of marijuana dispensed, the amount of consideration, and the registry identification number of the registered qualifying patient or registered designated caregiver.

(h) Each alternative treatment center shall:

(1) Conduct an initial comprehensive inventory of all medical marijuana, including usable marijuana available for dispensing and mature marijuana plants at each authorized location on the date the alternative treatment center first dispenses medical marijuana.

(2) Conduct a monthly comprehensive inventory of all medical marijuana, including usable marijuana available for dispensing, mature marijuana plants, and seedlings at each authorized location on the date the alternative treatment center first dispenses medical marijuana.

(i) An alternative treatment center shall submit a department-approved incident report form on the next business day after it discovers a reportable incident. The report shall indicate the nature of the breach and the corrective actions taken by the alternative treatment center. For purposes of reporting, an incident includes:

(1) Confidential information accessed or disclosed in violation of department rules;

(2) Loss of inventory by theft or diversion;

(3) Unauthorized intrusion into the alternative treatment center or the one permitted additional location, if any;

(4) Any known violation of this chapter or department rules by an alternative treatment center agent; and

(5) Any other incident that the department by rule requires to be reported.

(j) Alternative treatment centers cannot use pesticides in marijuana cultivation unless pesticides become authorized for application on marijuana.

(k) No marijuana or paraphernalia at an alternative treatment center shall be visible from any public or other property.

(l) An alternative treatment center is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana for any purpose except to assist patients who are allowed to use marijuana pursuant to this chapter with the medical use of marijuana directly or through the registered qualifying patients' designated caregivers.

(m) An alternative treatment center shall submit an annual report to the department which shall provide information required by the department in order to allow the department to evaluate whether the alternative treatment center is adequately providing patients with access to medical marijuana

VII. (a) Each time an alternative treatment center agent dispenses marijuana to a registered qualifying patient directly or through the qualifying patient's registered designated caregiver, he or she shall consult the alternative treatment center's records to verify that the records do not indicate

that the dispensing of marijuana would cause the registered qualifying patient to receive more marijuana than is permitted in a 10-day period. Each time marijuana is dispensed, the alternative treatment center agent shall record the date the marijuana was dispensed and the amount dispensed. All records shall be kept according to the registry identification number of the registered qualifying patient and registered designated caregiver, if any.

(b) Except as provided in subparagraph (c), a registered qualifying patient is not allowed to obtain more than one ounce of usable marijuana directly or through the qualifying patient's registered designated caregiver during a 10-day period;

(c) After providing an opportunity for patients, experts, researchers, and physicians to be heard, the department may issue a rule adjusting the limit specified in subparagraph (a) to an amount that is reasonably necessary for a 10-day supply.

VIII. (a) No registered alternative treatment center shall be subject to the following:

(1) Prosecution for the acquisition, possession, cultivation, manufacture, delivery, transfer, transport, sale, supply, or dispensing of marijuana, or related supplies for medical purposes in accordance with the provisions of this chapter and any rule adopted by the department pursuant to this chapter.

(2) Inspection and search by a law enforcement agency, except pursuant to paragraph V or upon a search warrant issued by a court or judicial officer.

(3) Seizure of marijuana, except upon any order issued by a court or judicial officer.

(4) Imposition of any penalty or denied any right or privilege including, but not limited to, imposition of a civil penalty or disciplinary action by an occupational or professional licensing board or entity, solely for acting in accordance with this chapter to assist registered qualifying patients or registered designated caregivers with the medical use of marijuana.

(b) No alternative treatment center agent shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or denied any right or privilege including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for working for or with an alternative treatment center to engage in acts permitted by this chapter.

(1) Except when transporting marijuana in accordance with subparagraphs (2) or (3), registered alternative treatment center agents are only allowed to possess and manufacture marijuana at the registered alternative treatment center location or locations for which the alternative treatment center agent is registered. Volunteers are only allowed to possess and manufacture marijuana at a registered alternative treatment center location. Volunteers cannot dispense marijuana.

(2) Distributions of marijuana for medical use to a registered qualifying patient or a registered caregiver for use by a registered qualifying patient shall be labeled with a trip ticket to identify the alternative treatment center, the patient's registry number, or the caregiver's number, the amount and form, the time and date of origin, and destination of the product.

(3) An alternative treatment center with a growing location in addition to the location of the alternative treatment center shall label the marijuana that is being moved between the growing location and the alternative treatment center with a trip ticket that identifies the alternative treatment center by registry number, the time, date, origin, and destination of the material being transported, and the amount and form of marijuana and marijuana material that is being transported. Marijuana shall be transported only by a registered alternative treatment center agent who is not a volunteer.

IX. (a)(1) An alternative treatment center shall not possess an amount of marijuana that exceeds whichever of the following quantities is greater: (a) 96 marijuana plants, 96 seedlings, and 32 ounces of useable marijuana; or (b) 6 plants, 6 seedlings, and 2 ounces for each registered qualifying patient who has designated the alternative treatment center to provide him or her with marijuana for medical use.

(2) An alternative treatment center may possess marijuana seeds, stalks, and unusable roots.

(b) An alternative treatment center or registered alternative treatment center agent shall not dispense, deliver, or otherwise transfer marijuana to a person other than:

(1) A registered qualifying patient who has designated the relevant alternative treatment center; or

(2) Such patient's registered designated caregiver.

(c) A person found to have violated subparagraph (b) of this section shall not be a registered alternative treatment center agent, and such person's registry identification card shall be immediately revoked.

(d) Except as provided in subparagraph III(f), no person who has been convicted of a drug-related offense shall be a registered alternative treatment center agent unless the department has determined that the person's conviction was for the medical use of marijuana or assisting with the medical use of marijuana and issued the person a registry identification card as provided under subparagraph III(g). A person who is employed by or is an agent, volunteer, principal officer, or board member of an alternative treatment center who violates this paragraph shall be guilty of a violation punishable by a fine of up to \$1,000. A subsequent violation of this paragraph shall be a misdemeanor.

(e) All cultivation of marijuana shall take place in an enclosed, locked facility, which can only be accessed by alternative treatment center agents.

X. All marijuana dispensed by an alternative treatment center shall include a label specifying the percent of tetrahydrocannabinol contained in the marijuana, the weight of the marijuana, and any other information the department requires to appear on the label. The label shall also specify that the marijuana is for medical use and that diversion is a class B felony requiring revocation of one's registry identification card.

XI. An alternative treatment center must provide educational materials about marijuana to registered patients and their registered primary caregivers. Each alternative treatment center shall have an adequate supply of up-to-date educational material available for distribution. Educational materials shall be available for inspection by the department upon request. The educational material shall at least include information about the following:

(a) Strains of marijuana, routes of administration, and their different effects. Alternative treatment centers shall have educational materials available to assist in the selection of prepared marijuana. Alternative treatment centers shall provide tracking sheets to registered patients and registered primary caregivers who request them to keep track of the strains used and their effects.

(b) How to achieve proper dosage for different modes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained.

(c) Information on tolerance, dependence, and withdrawal must be provided. Alternative treatment centers are not required to continue to furnish marijuana for medical purposes if it is believed that a registered qualifying patient or designated caregiver is abusing marijuana or other substances.

(d) Information regarding substance abuse signs and symptoms must be available, as well as referral information.

(e) Information on whether the alternative treatment center's marijuana and associated products meet organic certification standards.

(f) An alternative treatment center shall provide to each registered qualifying patient and registered designated caregiver receiving marijuana a safety insert, which the department may, at its discretion, inspect and approve, which shall include but not be limited to: (1) methods for administration of medical marijuana; and (2) a description of potential side effects qualifying patients could experience while using medical marijuana.

XII. Each alternative treatment center shall develop, implement, and maintain on the premises employee and agent policies and procedures to address the following requirements:

(a) A job description or employment contract developed for all employees and a volunteer agreement for all volunteers, which includes duties, authority, responsibilities, qualifications, and supervision.

(b) Training in and adherence to confidentiality laws.

(c) The proper use of security measures and controls that have been adopted; and

(d) Specific procedural instructions on how to respond to an emergency.

XIII. Each alternative treatment center shall maintain a personnel record for each alternative treatment center agent that includes an application for employment or to volunteer and a record of any disciplinary action taken.

XIV. Each alternative treatment center shall develop, implement, and maintain on the premises an on-site training curriculum, or enter into contractual relationships with outside resources capable of meeting employee training needs, which includes, but is not limited to, the following topics:

(a) Professional conduct, ethics, and patient confidentiality; and

(b) Developments in the field of the medical use of marijuana.

XV. All alternative treatment centers shall prepare training documentation for each employee and have employees sign a statement indicating the date, time, and place the employee received said training and topics discussed, to include name and title of presenters. The alternative treatment center shall maintain documentation of an employee's and a volunteer's training for a period of at least 6 months after termination of an employee's period of employment or the volunteer's period of voluntary service.

XVI. A physician shall not:

(a) Accept, solicit, or offer any form of pecuniary remuneration from or to an alternative treatment center, except if the physician is employed by an alternative treatment center.

(b) Offer a discount or other thing of value to a patient who uses or agrees to use a particular alternative treatment center.

(c) Examine a patient for purposes of diagnosing a debilitating medical condition at a location where medical marijuana is sold or distributed.

(d) Hold an economic interest in an alternative treatment center if the physician certifies the debilitating medical condition of a patient for participation in the medical marijuana program.

126-V:9 Annual Report. The commissioner of the department of health and human services shall report annually on the medical marijuana program established under this chapter to the health and human services oversight committee established under RSA 126-A:13. The report shall be filed with the chairman of the committee by November 1 of each year beginning with November 1, 2012. The commissioner's report shall include the following areas:

I. The ability of registered qualifying patients and registered designated caregivers in all areas of the state to obtain timely access to medical marijuana.

II. The effectiveness of alternative treatment centers individually and together in serving the needs of registered qualifying patients and registered caregivers, including the provision of educational and support services.

III. Physician participation in the medical marijuana program.

IV. The number of designated caregivers and the number of registered qualifying patients, by county.

V. Sufficiency of the regulatory and security safeguards contained in this chapter to ensure that access to and use of marijuana cultivated is provided only to cardholders authorized for such purposes.

VI. Any illegal distribution or diversion of marijuana cultivated pursuant to this chapter to individuals who are not cardholders.

VII. Any other issues related to the implementation of the medical use of marijuana permitted under this chapter that the committee shall request.

VIII. A detailed summary of the reports submitted by alternative treatment centers as required under RSA 126-V:8, VI(i).

126-V:10 Severability. If any provision of this chapter or the application thereof to any individual or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

3 Effective Date. This act shall take effect upon its passage.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

On a division vote, 221 members having voted in the affirmative and 96 in the negative, the committee report was adopted.

Ordered to third reading.

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems.
OUGHT TO PASS.

Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs: This bill has been requested by the New Hampshire board of pharmacy. This was requested to allow the board of pharmacy to prepare labeling requirements for the placement of an "automated pharmacy system" which would not have a pharmacist present at the time of dispensing. These systems could be placed for the use of one or more doctors in a suitable location, in an office building with several doctors' offices or outside a doctor's office. The doctor would email a prescription to the automated pharmacy system,

and the client would then go to the machine and pick up and pay for the prepared prescription. The issue for the board of pharmacy is to have labeling requirements and to have a system in place for patient counseling which is required by New Hampshire law. Vote 14-3.

Committee report adopted and ordered to third reading.

HB 141, relative to the treatment of cable television as a protected utility service. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for the Majority of Judiciary: This bill, as introduced, sought to change a rule established in the 2009 case of *Lally v. Flieder*, 159 N.H. 350. In that case, the court found that an evicting landlord acted wrongfully in disconnecting cable television service that the tenant was stealing from a third-party provider by means of an illegal connection. The court reasoned that, notwithstanding the illegality of the connection, the legislative history of RSA 540-A:31 of the landlord-tenant statute--which prohibits the interruption or termination "directly or indirectly" of "any utility service" being supplied to the tenant--supported the conclusion that it was intended to prevent landlords from engaging in any self-help tactic. The committee majority concluded that this anomalous result warranted an amendment revising the statute to spell out with precision exactly which utility services may not be interrupted or terminated by an evicting landlord, and to limit that prohibition to utilities services being supplied by the landlord. The majority felt that, in view of the severity of the penalties they face for violations of the statute, landlords are entitled to such specificity. Vote 11-4.

Rep. Lucy M. Weber for the Minority of Judiciary: RSA 540-A:3 currently prohibits a landlord from willfully causing, directly or indirectly, termination of a list of enumerated services, including water, heat, light, electricity, gas, telephone, sewerage, elevator or refrigeration. For 31 years, this statute has effectively discouraged landlords from evicting tenants through self-help measures, and has provided tenants with much-needed recourse if these practices occurred. Several years ago, a court decision added cable television to the list of protected services. The bill as originally introduced simply reversed the court decision and made it clear that cable television is not a protected service. Most of the committee members were in agreement with the original intent of the bill, although there was some concern over how to deal with tenants whose phone service is accessed through cable, such as Vonage. As amended, however, the bill removes from the statute any prohibition at all barring a landlord from interrupting services already paid for by the tenant. Nor would a landlord be liable if he or she caused a service interruption indirectly. As a result, a tenant would no longer have any recourse under this chapter if, for example, a landlord decided to drive the tenant out of the building by the simple expedient of tripping a circuit breaker which controls tenant-provided heat.

Majority Amendment (0125h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to protected utility services.

Amend the bill by replacing section 1 with the following:

1 Prohibited Practices and Security Deposits; Certain Specific Acts Prohibited. RSA 540-A:3, I is repealed and reenacted to read as follows:

I. Except for such temporary interruption as may be necessary while actual repairs are in process or during temporary emergencies, no landlord shall willfully cause the interruption or termination of any of the following utility services being supplied to the tenant by the landlord: water, sewage, electricity, gas, heat, air conditioning, telephone, elevator, or refrigeration.

AMENDED ANALYSIS

This bill clarifies which utility services are protected from interruption or termination by landlords. Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Weber spoke against.

Rep. Sorg spoke in favor.

On a division vote, 224 members having voted in the affirmative and 65 in the negative, the majority committee report was adopted.

Ordered to third reading.

Reps. Edwin Smith and Mirski declared a conflict of interest and did not participate.

HB 158, relative to the misuse of social security numbers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the Majority of Judiciary: This bill creates a civil cause of action for citizens who have had their social security numbers misused. The cause of action applies to: (1) persons who misused the number with fraudulent intent; (2) persons who knowingly supplied or aided in obtaining the false documentation; and (3) employers who know or should have known the documentation was false. The majority felt that the bill serves an important public service by allowing innocent victims to recover civil damages against fraud and by creating a strong deterrent for people participating in such fraudulent behavior. The bill allows for treble damages or \$10,000, whichever is greater, plus reasonable attorney's fees and costs incurred to correct the records of the aggrieved party. Vote 15-2.

Rep. Lucy M. Weber for the Minority of Judiciary: No instances of the type of identity theft addressed by this bill have been reported in New Hampshire. In addition, the minority is concerned about potential burdens on small businesses that are faced with the prospect of penalties amounting to the greater of \$10,000 or treble damages.

Majority Amendment (0643h)

Amend RSA 275-A:4-b, I(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

(a) The person who misused the number with fraudulent intent.

(b) Any individual who knowingly supplied or aided in obtaining false social security documentation.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 254, relative to offers of judgments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian J. X. Murphy for the Majority of Judiciary: This bill provides a judicial procedure to facilitate the more timely resolution of civil disputes between New Hampshire litigants. The bill allows for either a plaintiff or defendant to make a formal offer of judgment. If that offer is rejected, and the judgment finally obtained is not more favorable than the rejected offer, then the court will have the discretion to assess cost-shifting on the party that rejected the offer. The cost-shifting which is to include reasonable attorney fees, will be calculated from the time the more favorable offer of judgment was made. This bill is designed to compel parties to properly value their case and then bear the risk and responsibility of being stubborn or foolhardy. Forty-one states have enacted some version of this law, which is modeled after the Federal Rules of Civil Procedure (passed in 1938). There is a significant amount of legal precedent regarding this concept. The Committee found that the bill would effectively promote responsible resolutions between litigants, in a timely manner, and thereby preserve the state's limited judicial resources. Vote 13-4.

Rep. Janet G. Wall for the Minority of Judiciary: The minority believes that some cases may take longer than others to reach a settlement and that it is in the best interest of the parties to determine what is fair and reasonable and conclude cases sooner. Prompt settlements would also reduce the workload on the court system. The minority disagrees with the requirement in the bill that may find the losing party liable for court costs and attorneys' fees. Those parties of lower economic status would stand at a disadvantage under this bill if they were pressured into an unreasonably low offer of settlement for fear of having to pay all costs of the other party. Justice would not be served. The committee has killed similar bills in the past while recognizing the importance of balancing justice better serve all.

Majority Amendment (0747h)

Amend RSA 507:18 as inserted by section 1 of the bill by replacing it with the following:

507:18 Offers of Judgment in Civil Cases.

I. More than 10 days before the trial begins, either party to a claim may serve on an opposing party an offer to allow judgment on specified terms, with the costs then accrued. If, within 10 days after being served, the opposing party serves written notice accepting the offer, either party may then file the offer and notice of acceptance, plus proof of service. The clerk shall then enter judgment.

II. An unaccepted offer shall be considered withdrawn, but does not preclude a later offer. Evidence of an unaccepted offer shall not be admissible except after judgment in a proceeding to determine costs.

III. When one party's liability to another has been determined, but the extent of liability remains to be determined by further proceedings, the party held liable may make an offer of judgment. This offer shall be served within a reasonable time, but at least 10 days, before a hearing to determine the extent of liability.

IV. If the judgment that the offeree finally obtains is not more favorable than the unaccepted offer and the court finds that the offeree was unreasonable in rejecting the offer, the offeree shall pay the costs incurred, including reasonable attorney's fees, after the offer was made.
Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Weber spoke against and yielded to questions.
Reps. Steven Smith and Brian Murphy spoke in favor.

MOTION TO SUSPEND HOUSE RULES

Rep. Itse moved that all House Rules necessary be so far suspended as to allow HB 254, relative to offers of judgments, to be referred to the Committee on Constitutional Review and Statutory Recodification, beyond the deadline.

Rep. Itse spoke in favor and yielded to questions.

Rep. Rowe spoke against.

Rep. Gary Richardson spoke in favor.

On a division vote, 155 members having voted in the affirmative and 194 in the negative, the motion failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Majority committee report adopted and ordered to third reading.

(Rep. Bettencourt in the Chair)

HB 314, relative to judicially appointed officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald C. Andolina for Judiciary: This bill adopts a procedure for courts to follow in appointments of officials by the courts. The committee voted that the bill was inexpedient to legislate because there were no reported problems. Though the committee did see possible merit in the purpose of the bill, the consensus of the committee was that there was no pressing need at present. Vote 11-5.

Rep. Soltani spoke against.

Rep. Tregenza spoke in favor.

On a division vote, 303 members having voted in the affirmative and 42 in the negative, the committee report was adopted.

(Speaker O'Brien in the Chair)

MOTION TO PRINT DEBATE

Rep. Soltani moved that the debate on **HB 314**, relative to judicially appointed officials, be printed in the Permanent Journal.

Rep. Soltani spoke in favor.

Rep. Vaillancourt spoke against.

Motion failed.

REGULAR CALENDAR (CONT'D)

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the Majority of Judiciary: This bill ensures that a parent, guardian or conservator of an unemancipated female child is notified prior to an abortion taking place, with certain exceptions. The exceptions include: (1) a medical emergency exists and there is not time to provide the required notice; (2) the parent, guardian or conservator certifies in writing that they have been notified; (3) a court of competent jurisdiction determines that the female child is mature and capable of giving informed consent; and (4) a court of competent jurisdiction determines that it is the best interest of a female child who is not proven to be mature. This bill ensures the confidentiality of all proceedings and ensures a speedy process. The majority stands behind this bill for many reasons, including but not limited to: (1) it is the fairest and most accessible judicial

by-pass system that has ever been proposed in New Hampshire or any other state; (2) it will not negatively affect the health or safety of any female children in New Hampshire; (3) it reinforces the legislature's belief that parents are the most important part of a child's life and are necessary to protect the children from their own immaturity; (4) it fosters the family structure and preserves it as a viable social unit; and (5) it brings New Hampshire in line with 43 other states that have passed such laws to protect their children. Vote 12-4.

Rep. Lucy M. Weber for the Minority of Judiciary: The minority agrees that every minor considering an abortion should have the advice and support of a caring, nurturing parent. Currently, about 75% of minor women seeking an abortion are accompanied by a parent, and all minors are counseled to inform a parent. Those who are unable to do so have heartbreaking reasons: there is physical or sexual abuse in the home; the parent is unable, through physical or mental illness or addiction, to offer support; the young woman fears being thrown out of the home. Currently, these most vulnerable young women have the safety net of safe, legal health care provided by experienced licensed medical professionals and counselors. For these young women who lack parental support, passage of this bill poses very real risks to their health. The choice of notifying a parent or seeking a judicial bypass will cause some of these young women to delay seeking medical attention, and delay brings with it increased health risks, whether the young woman seeks an abortion or ultimately decides to carry the child to term. In addition, a desperate young woman may seek an abortion through illegal and life-threatening methods. In addition to being intimidating for a vulnerable young woman, the judicial bypass carries with it concerns about confidentiality. The minority is concerned that, even as amended, there is no effective way of guaranteeing confidentiality in our small communities. Finally, there is the issue of cost. The estimated 50 judicial bypass proceedings could cost approximately \$4000 each for a total of \$200,000, not counting the additional costs for any cases which are appealed. There is no provision in the bill to provide extra funding to the courts to cover these added costs.

Majority Amendment (0531h)

Amend RSA 132:34, II as inserted by section 2 of the bill by replacing it with the following:

II. If such a pregnant minor elects not to allow the notification of her parent or guardian or conservator, any judge of a court of competent jurisdiction shall, upon petition, or motion, and after an appropriate hearing, authorize an abortion provider to perform the abortion if said judge determines that the pregnant minor is mature and capable of giving informed consent to the proposed abortion. If said judge determines that the pregnant minor is not mature, or if the pregnant minor does not claim to be mature, the judge shall determine whether the performance of an abortion upon her without notification of her parent, guardian, or conservator would be in her best interests and shall authorize an abortion provider to perform the abortion without such notification if said judge concludes that the pregnant minor's best interests would be served thereby.

(a) Such a pregnant minor may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. Any guardian ad litem appointed under this subdivision shall maintain the confidentiality of the proceedings. The court shall, however, advise her that she has a right to court-appointed counsel, and shall, upon her request, provide her with such counsel.

(b) Proceedings under this section shall be held in closed court, shall be confidential and shall ensure the anonymity of the minor. All court proceedings under this section shall be sealed. The minor shall have the right to file her petition in the court using a pseudonym or using solely her initials. All documents related to this petition shall be confidential and shall not be available to the public. These proceedings shall be given such precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interest of the pregnant minor. In no case shall the court fail to rule within 48 hours from the time the petition is filed, except that the 48-hour limitation may be extended at the request of the minor. A judge of the court who conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting the decision and shall order a record of the evidence to be maintained including the judge's own findings and conclusions. If the court fails to rule within the 48-hour period and an extension was not requested, then the petition shall be deemed to have been granted, and the notice requirement shall be waived.

(c) An expedited confidential appeal shall be available, as the supreme court provides by rule, to any such pregnant minor for whom the court denies an order authorizing an abortion without notification. The court shall make a ruling within 48 hours from the time of the docketing of the

appeal. An order authorizing an abortion without notification shall not be subject to appeal. No filing fees shall be required of any such pregnant minor at either the trial or the appellate level. Access to the trial court for the purposes of such a petition or motion, and access to the appellate courts for purposes of making an appeal from denial of the same, shall be afforded such a pregnant minor 24 hours a day, 7 days a week.

(d) The supreme court shall make rules to ensure that procedures followed in the appeals process are handled in an expeditious manner and protect the confidentiality of the parties involved in the appeal to satisfy the requirements of the federal courts.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Reps. Souza, Giuda and Groen spoke in favor and yielded to questions.

Reps. Tasker, Weber and Kurk spoke against.

Rep. James Belanger spoke in favor.

Rep. Panek requested a roll call; sufficiently seconded.

YEAS 256 NAYS 102

YEAS 256

BELKNAP

Accornero, Harry
Greemore, Robert
Simpson, Tyler
Worsman, Colette

Bolster, Peter
Luther, Robert
St. Cyr, Jeffrey

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Butynski, William
Johnson, Jane

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Emerson, Susan
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sorg, Gregory

Brosseau, Charles
Ladd, Rick Jr
Sova, Charles

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L. Chris
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McCarthy, Michael

Baroody, Benjamin
Bergevin, Jerry
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McClarren, Donald

Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
Daniels, Gary
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean

Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Moran, Edward
Palmer, Stephen
Pilotte, Maurice
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Murphy, Keith
Parison, James
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Notter, Jeanine
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenkemper, Lynne
Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Richardson, Jon
Smith, Todd

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Sanborn, Laurie
Soltani, Tony

DeStefano, Stephen
Keane, Thomas
McDonnell, John
Patten, Dick
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Waddell, James
Welch, David

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

STRAFFORD

Berube, Roger
Hofemann, Roland
Leonard, Frederick Jr
Parsons, Robbie
Vita, Lucien

Cataldo, Sam
Jones, Kyle
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Newton, Clifford
Sprague, Dale

Groen, Warren
Larsen, Kirsten
Panek, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 102

BELKNAP

Millham, Alida

Pilliod, James

CARROLL

Babson, David Jr

CHESHIRE

Carr, Daniel	Dwinell, Richard	Hawkes, Samuel	Hunt, John
Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Gould, Franklin	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Simard, Paul	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Barry, J. Gail	Brunelle, Michael	Champagne, Norma	Cote, David
Drisko, Richard	Gargas, Carolyn	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gorman, Mary	Judy, Jean	Kurk, Neal
Levasseur, Nickolas	Long, Patrick	Messier, Irene	Porter, Marjorie
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara

MERRIMACK

Bouchard, Candace	Deloge, Helen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Lockwood, Priscilla	MacKay, James
Owen, Derek	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	DiPentima, Rich	Gould, Kenneth
Hutchinson, Karen	Lovejoy, Patricia	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Read, Robin Jr	Schlachman, Donna
Tasker, Kyle			

STRAFFORD

Brown, Julie	Browne, Brendon	Ginsburg, Philip	Hooper, Dorothea
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Wall, Janet
Watters, David			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report was adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Bettencourt moved that **CACR 12**, relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis, be made a special order as the next order of business.

Rep. Bettencourt spoke in favor.

On a division vote, 255 members having voted in the affirmative and 102 in the negative, the motion was adopted.

(Rep. Chandler in the Chair)**SPECIAL ORDER**

CACR 12, relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis.

UGHT TO PASS WITH AMENDMENT.

Rep. Lynne M. Ober for Special Committee on Education Funding Reform: CACR 12 is a simple, straight forward amendment to the constitution that deals with the responsibility for determining education funding for our students. It affirms that people's elected representatives, not the court system, will have responsibility for determining school funding decisions, setting targeted aid and will allow the legislature to focus attention on offering students an outstanding education, not an adequate one. As a practical matter, this amendment, if adopted, will eliminate the statewide property taxes and make sure that donor towns are eliminated. CACR 12 resolves the state's lingering education funding situation and is critical to ensuring that the legislature can guarantee local control of schools. If you believe that education decisions are best made between parents, teachers and local school boards, not in courtrooms, CACR 12 is a vehicle to make that a reality. CACR 12 will once again place responsibility for ensuring an adequate education for New Hampshire children on the shoulders of the legislature, which will have the responsibility to define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity. Vote 12-2.

Amendment (0613h)

Amend the title of the resolution by replacing it with the following:

RELATING TO: public education.

PROVIDING THAT: the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the general court shall have the authority and full discretion to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability therefor, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, in the exercise thereof, the general court shall have full discretion to determine the amount of, and methods of raising and distributing, State funding for education.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2012.

III. That the selectmen of all towns, cities, wards, and places in the state are directed to insert in their warrants for the said 2012 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2011 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:
 "Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the general court shall have the authority and full discretion to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability therefor, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, in the exercise thereof, the general court shall have full discretion to determine the amount of, and methods of raising and distributing, State funding for education."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2011 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the general court have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Reps. Kyle Jones and Laura Jones spoke against.

Reps. Gile and Gary Richardson spoke against and yielded to questions.

Reps. Mirski, Manuse, Weyler and O'Brien spoke in favor.

Rep. Itse spoke in favor and yielded to questions.

Rep. O'Brien requested a roll call; sufficiently seconded.

YEAS 252 NAYS 113

YEAS 252

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Bolster, Peter
Luther, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Flanders, Donald
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred

Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William

Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Whitehead, Randall

Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Willette, Robert

Kurk, Neal
Marcus, Bruce
Mecheski, Holly
O'Brien, William
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan

Lambert, George
McCarthy, Michael
Moran, Edward
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Warden, Mark

MERRIMACK

Blankenbaker, Lynne
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Richardson, Jon
Smith, Todd

Cohn, Seth
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Sanborn, Laurie
Soltani, Tony

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Patten, Dick
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Elliott, Robert
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Hagan, Joseph
Introne, Robert
Lundgren, David
McMahon, Charles
Oligny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

Antosz, Jason
Bettencourt, David
Charron, Gene
DeSimone, Debra
Garcia, Marilinda
Headd, James
Itse, Daniel
Major, Norman
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

STRAFFORD

Cataldo, Sam
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Newton, Clifford
Vita, Carol

Groen, Warren
Panek, William
Vita, Lucien

Larsen, Kirsten
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 113 BELKNAP

Pilliod, James

None

CARROLL

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris

Carr, Daniel
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meader, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Drisko, Richard
Gimas, John
Levasseur, Nicolas
Porter, Marjorie
Shaw, Barbara

Brunelle, Michael
Gargas, Carolyn
Goley, Jeffrey
Long, Patrick
Rhodes, Brian
Vaillancourt, Steve

Campbell, David
Garrity, Patrick
Gorman, Mary
Messier, Irene
Rokas, Ted
Villeneuve, Moe

Cote, David
Gidge, Kenneth
Jeudy, Jean
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Rice, Chip
Watrous, Rick

Foose, Robert
MacKay, James
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Fesh, Robert
McKinney, Betsy
Pantelakos, Laura
Schlachman, Donna

Chirichiello, Brian
Gould, Kenneth
Moody, Marcia
Powers, James
Webb, James

DiPentima, Rich
Katsakiores, Phyllis
Norelli, Terie
Read, Robin Jr

Dowling, Patricia
Lovejoy, Patricia
O'Connor, John
Sapareto, Frank

STRAFFORD

Berube, Roger
Hofemann, Roland
Jones, Laura
Pelletier, Marsha
Spang, Judith

Brown, Julie
Hooper, Dorothea
Kaen, Naida
Roberts, Jenna
Sprague, Dale

Browne, Brendon
Horrigan, Timothy
Keans, Sandra
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Jones, Kyle
Leonard, Frederick Jr
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the committee report was adopted by the constitutionally required three-fifths vote and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 252-113, it adopted the committee report of Ought to Pass with Amendment on **CACR 12**, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

Rep. Bettencourt spoke against.

Motion failed.

The House recessed at 12:45 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 1:45 p.m.

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 20, 28, 30, 32, 33, 34, 35, 38, 46, 47, 49, 55, 57, 64, 81, 82, 89, 90, 95, 102, 104, 108, 109, 122, 128, 130, 133, 135, 139, 144, 146, 148, 158, 168, 172, 173, 174 and 183 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 20, relative to shoreland protection permits. (Resources, Recreation and Development)

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions. (Commerce and Consumer Affairs)

SB 30, relative to including a parent's residence in the parenting plan. (Children and Family Law)

SB 32, relative to water withdrawals for snow making. (Resources, Recreation and Development)

SB 33-FN, relative to retired state employee contributions for medical benefits costs. (Executive Departments and Administration)

SB 34-FN, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases. (Judiciary)

SB 35-FN-A, relative to exemption from the definition of utility property for purposes of the utility property tax. (Ways and Means)

SB 38, relative to extensions for wetland and shoreland permits. (Resources, Recreation and Development)

SB 46, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country. (Science, Technology and Energy)

SB 47, extending the commission to study water infrastructure sustainability funding. (Resources, Recreation and Development)

SB 49, relative to tip pooling arrangements. (Labor, Industrial and Rehabilitative Services)

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. (Science, Technology and Energy)

SB 57, relative to regulation of title loan lenders. (Commerce and Consumer Affairs)

SB 64, removing the oath requirement for criminal complaints filed by police officers. (Judiciary)

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head. (Executive Departments and Administration)

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. (Education)

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies. (Commerce and Consumer Affairs)

SB 90, directing the legislative oversight committee to study the consolidation of school administrative units. (Education)

SB 95, establishing a commission to study youth sports concussions and other concussions received while at school. (Education)

SB 102, establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans. (State-Federal Relations and Veterans Affairs)

SB 104, relative to certain agricultural operations and certain bonds for excavation and driveways. (Municipal and County Government)

SB 108, relative to emergency obstetrical care. (Judiciary)

SB 109, establishing a committee to study the foreclosure process in New Hampshire. (Judiciary)

SB 122, establishing a committee to study the laws relating to electronic prescriptions. (Commerce and Consumer Affairs)

SB 128-FN-A, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department. (Fish and Game and Marine Resources)
SB 130-FN-A, repealing the tax on gambling winnings. (Ways and Means)
SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. (Municipal and County Government)
SB 135-FN-A, relative to election returns and election records. (Election Law)
SB 139-FN, relative to state recoveries of public assistance caused by fraud. (Judiciary)
SB 144, relative to extending certain permits and approvals. (Resources, Recreation and Development)
SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. (Finance)
SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act. (Commerce and Consumer Affairs)
SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010. (Finance)
SB 168-FN, conforming the interest and dividends tax to federal tax definitions. (Ways and Means)
SB 172, relative to performance-based school accountability criteria. (Education)
SB 173, proclaiming January 24, 2012 as Granny D. Day. (Executive Departments and Administration)
SB 174, relative to the Concord regional solid waste/resource recovery cooperative. (Municipal and County Government)
SB 183-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities. (Special Committee on Education Funding Reform)

REGULAR CALENDAR (CONT'D)

HB 499-FN, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation. **INEXPEDIENT TO LEGISLATE.**
 Rep. Gary W. Wheaton for Judiciary: This bill clarifies the division of damages and benefits received from third persons by employees who have received workers' compensation. A court, arbitrator or the commissioner of labor would now have the authority to allocate a lien recovery based upon fault, so that if an employer were at fault in causing the accident, its lien would be reduced as justice may require. While the committee believes that the provisions of this bill would apply only in a small number of workers' compensation cases, it further believes that the effects would cause workers' compensation insurance rates to disproportionately increase. The committee is also concerned with introducing the concept of fault to the workers' compensation scheme which is designed to be a no-fault system. For these reasons, the majority of the committee recommends inexpedient to legislate. Vote 14-3.
 Committee report adopted.

HB 513-FN, relative to end of life aid in dying for certain persons suffering from a terminal disease. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
 Rep. Lenette M. Peterson for the Majority of Judiciary: This bill would allow a person who has been diagnosed with a terminal disease to request a prescription for medication to enable the patient to control the time, place and manner of his or her death. The committee believes that this bill would legalize state-sanctioned suicide for people with terminal illnesses and that this is an area where government does not belong. People with terminal illnesses who may consider suicide do not need encouragement from the government. The committee further believes that this bill is a recipe for elder abuse. The committee also recognizes that doctors' diagnoses and predictions may be incorrect; numerous cases exist where people have lived far beyond their doctor's predictions, some of them having been cured from their terminal disease. For these reasons, the committee strongly believes that this bill represents bad policy and practice and recommend inexpedient to legislate. Vote 15-1.
 Rep. Rick H. Watrous for the Minority of Judiciary: This personal liberty bill would allow a mentally competent adult who has been diagnosed as having a terminal disease by the citizen's attending physician and a consulting physician to request a prescription for medication which would enable that citizen to control the time, place, and manner of his or her own death. Based on the long standing death with dignity Oregon law, this bill would enable terminal citizens to end their needless suffering. There is no law against suicide in New Hampshire, but there is a law against assisting

suicide. Passage of this bill would allow physicians to grant this aid in dying request by patients. It would also allow the patient to end his or her own life in the presence of friends or family without fear that those loved ones would be prosecuted. New Hampshire is the Live Free or Die state; this is the ultimate Live Free or Die bill. A person should be able to end their terminal suffering as painlessly as possible.

The question being adoption of the majority committee report of Inexpedient to Legislate. Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 234 NAYS 99

YEAS 234

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Knox, J. David	McCarthy, Frank	McConkey, Mark
Morrow, Harry	Patten, Betsey	Pettengill, Laurie	Scala, Dino
Schmidt, Stephen	Tregenza, Norman	Umberger, Karen	

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Emerson, Susan
Hawkes, Samuel	Johnson, Jane	Lerandeau, Alfred	Moore, Robert Jr
Sad, Tara	Smith, Edwin	Tatro, Bruce	Weber, Lucy

COOS

Daugherty, Duffy	Hatch, William	Rappaport, Laurence	Remick, William
Richardson, Herbert	Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbreton, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Sorg, Gregory	Sova, Charles	Taylor, Kathleen	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, Richard	Belanger, James
Belvin, William	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Brunelle, Michael	Burt, John	Buxton, Michael	Cebrowski, John
Christensen, D.L. Chris	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	Drisko, Richard	Gagne, Larry
Gandia, Laura	Gargas, Carolyn	Garritty, Patrick	Gimas, John
Goley, Jeffrey	Gonzalez, Carlos	Graham, John	Haefner, Robert
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Judy, Jean	Krasucki, Joseph
LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Moran, Edward	Notter, Jeanine
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pilotte, Maurice	Reed, Michael	Robbins, David	Rokas, Ted
Rosenwald, Cindy	Rowe, Robert	Scontsas, Lisa	Seidel, Carl
Shaw, Barbara	Silva, Peter	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Swank, Matthew	Terrio, Ross
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kreiss, Kenneth Sr
McGuire, Dan
Richardson, Jon

Bouchard, Candace
Hess, David
Lauer-Rago, Kathleen
Palfrey, David
Smith, Todd

Coffey, Jennifer
Hoell, J.R.
McDonnell, John
Patten, Dick
Soltani, Tony

Frazer, June
Kotowski, Frank
McGuire, Carol
Reed, Dennis

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Davenport, Joshua
Ferrante, Beverly
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Peckham, Michele
Reichard, Kevin
Schlachman, Donna
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Chirichiello, Brian
DeSimone, Debra
Gould, Kenneth
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Amy
Rice, Frederick
Sedensky, John
Sytek, John
Waddell, James

Antosz, Jason
Comerford, Timothy
Dowling, Patricia
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oligny, Jeffrey
Perkins, Lawrence
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Bates, David
Copeland, Timothy
Duarte, Joe
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Quandt, Marshall
Sanders, Elisabeth
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Berube, Roger
Groen, Warren
Munck, Philip
Sprague, Dale
Watters, David

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Vita, Carol
Weeden, Michael

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Vita, Lucien

Domingo, Baldwin
Kaen, Naida
Pitre, Joseph
Wall, Janet

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cloutier, John
Lovett, Charlene

Gagnon, Raymond
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

**NAYS 99
BELKNAP**

None

CARROLL

Babson, David Jr

CHESHIRE

Carr, Daniel
Moore, Charles

Johnsen, Gladys
Parkhurst, Henry

Lindsey, Steven
Roberts, Kris

Meador, David
Sterling, Franklin Jr

COOS

Coulombe, Gary

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Eaton, Stephanie
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Gould, Franklin
Pierce, David
White, Andrew

Benn, Bernard
Harding, Laurie
Simard, Paul

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Donovan, Daniel

Barry, J. Gail
Fredette, Robert

Champagne, Norma
Gidge, Kenneth

DeJong, Cameron
Gorman, Mary

Greazzo, Phil
Lambert, George
Porter, Marjorie
Rhodes, Brian

Hansen, Peter
Long, Patrick
Pratt, Calvin
Simmons, Tammy

Hogan, Timothy
Murphy, Keith
Proulx, Mark
Vaillancourt, Steve

Kurk, Neal
Ohm, Bill
Renzullo, Andrew
Warden, Mark

MERRIMACK

Deloge, Helen
MacKay, James
Richardson, Gary
Smith, Molly

Foose, Robert
Owen, Derek
Sanborn, Laurie
Watrous, Rick

Hamm, Christine
Potter, Frances
Seaworth, G. Brian
Williams, Robert

Keane, Thomas
Rice, Chip
Shurtleff, Stephen
Winter, Steven

ROCKINGHAM

Azarian, Gary
DiPentima, Rich
Norelli, Terie
Sapareto, Frank

Brown, Paul
Fesh, Robert
Powers, James
Tasker, Kyle

Cali-Pitts, Jacqueline
MacMahon, Bruce
Read, Robin Jr
Webb, James

Case, Frank
Moody, Marcia
Reagan, John
Wheaton, Gary

STRAFFORD

Brown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna

Ginsburg, Philip
Keans, Sandra
Schmidt, Peter

Hofemann, Roland
Panek, William
Spainhower, Dale

SULLIVAN

Cunningham, Steven
and the majority committee report was adopted.

Howard, Thomas

Lefebvre, Benjamin

Schmidt, Andrew

HB 532-L, relative to municipal liability for dog bites. **OUGHT TO PASS.**

Rep. J. Brandon Giuda for Judiciary: This bill repeals seven statutes that were enacted in 1863 to hold towns liable for damages caused by dogs to sheep, lambs, fowl or other domestic creatures, if the dog owners could not be found. These statutes may have been useful in 1863, when towns taxed people on their animals and when many animals including dogs and livestock still roamed free. However, not only are the statutes rarely used, but the world today is much different than in 1863. Due to the move away from an agricultural society, there are fewer animals, and better fencing and protections are used to ensure animals are controlled. The large majority of towns have leash laws and dogs no longer roam free. Further, the majority of the committee believes that towns should not be held liable for damage from dogs over which they have no control. Vote 11-5. Committee report adopted and ordered to third reading.

HR 7, directing the house judiciary committee to investigate whether grounds exist to impeach marital master Phillip Cross and/or any justice of the New Hampshire superior court. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for the Majority of Judiciary: By passing House Resolution 7, the House would direct the Judiciary Committee to investigate and report back to the House as to whether grounds exist for the House to impeach marital master Phillip Cross. The committee's review to this point has been limited to determining whether the allegations stated in the resolution and testified to at the public hearing met the relatively low standard of reasonable suspicion, thereby justifying further, formal investigation. The majority concluded that they did. In arriving at this conclusion, the committee was sensitive to the need to distinguish between disagreements with the subjective findings and recommendations of Master Cross - which go to the essence of the judicial function and not properly reviewable by the elected branches of the government - and violations of objective rules of law and procedure that a magistrate is bound to follow, and which are properly reviewable. In considering the latter, the committee was additionally sensitive to the need to distinguish between the occasional error that only proves that a magistrate is human and a pattern of apparent lapses that is indicative of malpractice or maladministration in office. The majority concluded that a reasonable showing of such a pattern had been made, which included: (1) granting one party ex parte relief and never scheduling a contested hearing to give the other party an opportunity to respond; (2) issuing conflicting orders to a party that made it impossible for him to comply with one without violating

the other; (3) giving notice of a hearing to consider one subject and then considering an entirely different subject at the hearing; and (4) altering a stipulation filed by the parties and forwarding the altered stipulation as the court's final order without first giving the parties an opportunity to review and reconsider it. In addition, there was testimony that decisions made by Master Cross have the highest rate of appeal than those of any marital master and that more judicial conduct complaints have been filed against him than any marital master. Finally, the committee was presented with evidence of the ineffectiveness of the judicial branch's internal Judicial Conduct Committee to police and discipline its own members. On the basis of the foregoing, the majority was persuaded that the aspiration of Article 8, Part I of the New Hampshire Constitution - that all the magistrates and officers of the government are accountable to the people - cannot be fulfilled in this case without a formal investigation of Marital Master Cross. Vote 10-5.

Rep. Lucy M. Weber for the Minority of Judiciary: The grounds for impeachment under the New Hampshire Constitution are bribery, corruption, malpractice or maladministration. There have been only two such proceedings against judges in the entire history of New Hampshire. In neither of the two proceedings was the judge convicted and removed from the bench. The allegations against Marital Master Philip Cross arise out of three of the most contentious divorce proceedings in the state. Most of the specific instances alleged in HR 7 have been shown to be either untrue or mischaracterizations. Other actions have already been appealed to the NH Supreme Court, which has upheld the actions of Master Cross. Even if the substance of the allegations were entirely true, it might be grounds for reversal on appeal or for proceedings by the Judicial Conduct Commission, but it does not come close to the grave level of misconduct required for impeachment. For this reason alone, HR 7 should be voted Inexpedient to Legislate. During the discussion of this resolution, it was stated that the resolution should go forward as a vehicle for the legislature to investigate the court system. The legislature may study the workings of the court system at any time, without resorting to impeachment and thereby holding one individual's future hostage to the effort. Despite the fact that the only specific instances of wrongdoing are alleged against Master Cross, HR 7 also gives the committee the sweeping power to investigate "any justice of the New Hampshire superior court," without stating any basis at all on which to do so. This is a breach of due process of staggering proportions. The minority is deeply concerned with other aspects of this resolution. The resolution carries with it no fiscal note. The resolution gives the committee the unlimited authority to subpoena the attendance and testimony of persons and the production of records. The committee may take depositions or prepare interrogatories. These actions may be taken by the committee or counsel for the committee. Presumably, then, the committee may choose to use the services of House Counsel or to employ outside counsel. Every one of these actions is expensive. All of the completely unfettered authority given to the committee may be exercised not only by the committee acting as a whole, but also by chairman of the committee, acting alone. Nowhere in the resolution is there any limitation whatsoever on how much may be spent in the conduct of this investigation. We heard that cost of the investigative phase of the proceeding against Justice Brock in 2000 exceeded \$100,000. The impeachment and trial cost many times that amount. The minority believes it irresponsible to launch an investigation with no limits on expenditure.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Giuda spoke in favor and yielded to questions.

Rep. Weber spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 242 NAYS 105

YEAS 242 BELKNAP

Accornero, Harry
Luther, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Flanders, Donald
Pilliod, James
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Moore, Robert Jr

Cartwright, Anne
Johnsen, Gladys
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Sterling, Franklin Jr

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy
Thomas, Yvonne

Rappaport, Laurence
Tremblay, Marc

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
DeJong, Cameron
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Balboni, Michael
Belvin, William
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
Doherty, Shaun
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gidge, Kenneth
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Barry, Richard
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Flanagan, Jack
Gimas, John
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lauer-Rago, Kathleen
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Keane, Thomas
McDonnell, John
Richardson, Jon
Smith, Todd

Cohn, Seth
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Giuda, J. Brandon
Kreis, Kenneth Sr
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Chirichello, Brian
DeSimone, Debra
Garcia, Marilinda
Hutchinson, Karen
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Oligny, Jeffrey
Reagan, John
Sanders, Elisabeth

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Introne, Robert
Lundgren, David
Mauro, Donna
Nevins, Chris
Packard, Sherman
Reichard, Kevin
Sapareto, Frank

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Peckham, Michele
Rice, Frederick
Sedensky, John

Baldasaro, Alfred
Charron, Gene
Davenport, Joshua
Fesh, Robert
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Ritter, Glenn
Sheffert, Kenneth

Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Smith, William
Tasker, Kyle
Ward, Joanne

Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Sullivan, Kevin
Tucker, Pamela
Webb, James

STRAFFORD

Berube, Roger
Groen, Warren
Newton, Clifford
Vita, Carol

Brown, Julie
Jones, Kyle
Panek, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 105

BELKNAP

Bolster, Peter

Millham, Alida

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Lindsey, Steven
Sad, Tara

Carr, Daniel
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Lerandeau, Alfred
Roberts, Kris

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Graham, John
Long, Patrick
Rhodes, Brian

Brunelle, Michael
Garrity, Patrick
Judy, Jean
Moran, Edward
Rokas, Ted

Cote, David
Goley, Jeffrey
Kurk, Neal
Pilote, Maurice
Rosenwald, Cindy

Drisko, Richard
Gorman, Mary
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
MacKay, James
Rice, Chip
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary
Williams, Robert

Foose, Robert
Hess, David
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Allen, Mary
Dowling, Patricia
Moody, Marcia
Schlachman, Donna

Cali-Pitts, Jacqueline
Garrity, James
Norelli, Terie
Sytek, John

Case, Frank
Gould, Kenneth
Powers, James
Weyler, Kenneth

DiPentima, Rich
Headd, James
Read, Robin Jr

STRAFFORD

Browne, Brendon	Domingo, Baldwin	Ginsburg, Philip	Hofemann, Roland
Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report was adopted and ordered to third reading.
Reps. Gandia, Amy Perkins, Keith Murphy and Paul Brown declared a conflict of interest and did not participate.

MOTON TO RECONSIDER

Having voted with the prevailing side, Rep. Patrick Garrity moved that the House reconsider its action whereby, on March 15, 2011 by voice vote, it adopted the committee report of Ought to Pass on **HB 147**, making the commission of certain offenses punishable under the capital murder statute. Reps. Pierce and Pastor spoke in favor.
Reps. Swinford and Bettencourt spoke against.
Rep. Pierce requested a roll call; sufficiently seconded.

YEAS 104 NAYS 247**YEAS 104****BELKNAP**

Millham, Alida

CARROLL

Ahlgren, Christopher

CHESHIRE

Butynski, William	Carr, Daniel	Hawkes, Samuel	Johnsen, Gladys
Lerandeau, Alfred	Lindsey, Steven	Meador, David	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Tatro, Bruce	Weber, Lucy

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Rappaport, Laurence
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Aguir, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	DeJong, Cameron	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Infantine, William	Judy, Jean
Levasseur, Nickolas	Long, Patrick	McGuinness, Sean	Messier, Irene
Parison, James	Pilotte, Maurice	Porter, Marjorie	Rhodes, Brian
Rokas, Ted	Shaw, Barbara	Thomas, Joseph	Ulery, Jordan

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hamm, Christine
Lockwood, Priscilla	MacKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth
Pantelakos, Laura
Schlachman, Donna

Case, Frank
Lovejoy, Patricia
Powers, James
Welch, David

DiPentima, Rich
Moody, Marcia
Read, Robin Jr

Dowling, Patricia
Norelli, Terie
Reichard, Kevin

STRAFFORD

Berube, Roger
Horrigan, Timothy
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Kaen, Naida
Roberts, Jenna
Wall, Janet

Hofemann, Roland
Keans, Sandra
Schmidt, Peter
Watters, David

Hooper, Dorothea
Munck, Philip
Spainhower, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 247**BELKNAP**

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Bolster, Peter
Luther, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Flanders, Donald
Pilliod, James
Swinford, Elaine

CARROLL

Babson, David Jr
McCarthy, Frank
Pettingill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Remick, William

Richardson, Herbert

Troll, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Daniels, Gary
Flanagan, Jack
Garrity, Patrick
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill

Balboni, Michael
Belvin, William
Burt, John
Christensen, D.L. Chris
Cote, David
Doherty, Shaun
Fredette, Robert
Gimas, John
Haefner, Robert
Hinch, Richard
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Moran, Edward
Palmer, Stephen

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Coughlin, Sean
Donovan, Daniel
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Murphy, Keith
Pellegrino, Tony

Barry, Richard
Brown, Kevin
Cebrowski, John
Coffey, James
Cusson-Cail, Kathleen
Drisko, Richard
Gandia, Laura
Graham, John
Hardwick, Harry
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Peterson, Lenette

Pratt, Calvin
Robbins, David
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Whitehead, Randall

Proulx, Mark
Rosenwald, Cindy
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

Reed, Michael
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve

Renzullo, Andrew
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
Keane, Thomas
McDonnell, John
Reed, Dennis
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Smith, Todd

Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Ferrante, Beverly
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Perkins, Lawrence
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Fesh, Robert
Headd, James
Itse, Daniel
Lundgren, David
Mauro, Donna
Nevins, Chris
Packard, Sherman
Quandt, Marshall
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Peckham, Michele
Quandt, Matt
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Amy
Reagan, John
Sapareto, Frank
Smith, William
Tamburello, Daniel
Waddell, James

STRAFFORD

Brown, Julie
Ginsburg, Philip
Newton, Clifford
Vita, Carol

Cataldo, Sam
Groen, Warren
Panek, William
Vita, Lucien

DeLemus, Susan
Jones, Kyle
Parsons, Robbie
Weeden, Michael

Domingo, Baldwin
Jones, Laura
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and the motion failed.

MOTION TO PRINT DEBATE

Rep. Gary Richardson moved that the debate on the reconsideration motion on **HB 147**, making the commission of certain offenses punishable under the capital murder statute, be printed in the Permanent Journal.

Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 93 NAYS 259

**YEAS 93
BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Tatro, Bruce

Carr, Daniel
Meador, David
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry

Lerandeau, Alfred
Sad, Tara

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gandia, Laura
Gorman, Mary
Long, Patrick
Porter, Marjorie
Shaw, Barbara

Brunelle, Michael
Garrity, Patrick
Infantine, William
Messier, Irene
Rhodes, Brian

Campbell, David
Gidge, Kenneth
Judy, Jean
Moran, Edward
Rokas, Ted

Cote, David
Gimas, John
Levasseur, Nickolas
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Deloge, Helen
Gile, Mary
Potter, Frances
Soltani, Tony

DeStefano, Stephen
Hamm, Christine
Rice, Chip
Wallner, Mary Jane

Foose, Robert
MacKay, James
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Bettencourt, David
Moody, Marcia
Powers, James

DiPentima, Rich
Norelli, Terie
Read, Robin Jr

Hagan, Joseph
Pantelakos, Laura
Schlachman, Donna

Manuse, Andrew
Peckham, Michele

STRAFFORD

Berube, Roger
Horrigian, Timothy
Roberts, Jenna
Wall, Janet

Browne, Brendon
Kaen, Naida
Schmidt, Peter
Watters, David

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale

Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 259**BELKNAP**

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Worsman, Colette

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hawkes, Samuel
Moore, Robert Jr

Cartwright, Anne
Hunt, John
Roberts, Kris

Dwinell, Richard
Johnson, Jane
Smith, Edwin

Emerson, Susan
Moore, Charles
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Remick, William
Tremblay, Marc

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Ingretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
DeJong, Cameron
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Murphy, Keith
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

Balboni, Michael
Belvin, William
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Barry, Richard
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Drisko, Richard
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Richardson, Jon
Smith, Todd

Cohn, Seth
Keane, Thomas
Lockwood, Priscilla
Owen, Derek
Sanborn, Laurie
Winter, Steven

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Palfrey, David
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
Lundgren, David
McKinney, Betsy
O'Connor, John

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Gould, Kenneth
Hutchinson, Karen
Katsakiores, Phyllis
MacMahon, Bruce
McMahon, Charles
Okerman, Richard

Antosz, Jason
Birdsell, Regina
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Major, Norman
Murphy, Brian
Oligny, Jeffrey

Azarian, Gary
Brown, Paul
Chirichiello, Brian
DeSimone, Debra
Fesh, Robert
Headd, James
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Packard, Sherman

Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Brown, Julie
Groen, Warren
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Hofemann, Roland
Newton, Clifford
Vita, Carol

DeLemus, Susan
Jones, Kyle
Panek, William
Vita, Lucien

Domingo, Baldwin
Jones, Laura
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven
and the motion failed.

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Jennifer Coffey moved that the House reconsider its action whereby, on a roll call vote of 264-97 on March 15, 2011, it adopted the majority committee report of Ought to Pass with Amendment on **HB 524-FN**, excluding persons convicted of violent crimes from mandatory early release on probation or parole.

Rep. Shurtleff spoke in favor.

Motion adopted.

RECONSIDERATION OF HB 524-FN

The question being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Jennifer Coffey offered floor amendment (0931h).

Floor Amendment (0931h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the release of prisoners on probation or parole.

Amend the bill by replacing section 1 with the following:

1 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(c) to read as follows:

(c)(1) ~~[All prisoners who have not been previously paroled]~~ **A prisoner convicted of a non-violent offense who has not been previously paroled**, or who [were] *was* recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months prior to the expiration of the maximum term of his or her sentence. This provision shall not apply to any prisoner who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly committed, he or she shall be released on parole for the remainder of his or her sentence.

(2) **A prisoner convicted of a violent crime as defined in RSA 651:5, XIII who has not been previously paroled, or who was recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months prior to the expiration of the maximum term of his or her sentence. This provision shall not apply to any prisoner who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly committed, he or she shall be released on parole for the remainder of his or her sentence.**

Amend the bill by replacing all after section 4 with the following:

5 Applicability. RSA 651-A:6, I(c)(2) as inserted by section 1 of this act shall take effect one year after the effective date of this act, or on the date when the commissioner of the department of corrections furnishes written certification to the secretary of state and the director of legislative services that all counties in the state have notified the commissioner that sufficient services are available to manage those prisoners released on parole, whichever is later.

6 Effective Date.

I. RSA 651-A:6, I(c)(2) as inserted by section 1 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Authorizes the parole board to recommit a person who reoffends while on mandatory early supervised release for a minimum of 90 days or up to the remainder of the person's maximum sentence.

II. Delays the parole of prisoners convicted of a violent crime for one year or upon certification by all counties in the state that sufficient services have been implemented to manage such prisoners while on parole, whichever is later.

Rep. Jennifer Coffey spoke in favor.

Floor amendment (0931h) adopted.

Majority committee report of Ought to Pass with Amendment adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Bettencourt moved that **CACR 6**, relating to taxation. Providing that a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit, be made a Special Order as the next order of business.

Rep. Bettencourt spoke in favor.

On a division vote, 244 members having voted in the affirmative and 93 in the negative, the motion was adopted.

SPECIAL ORDER

CACR 6, relating to taxation. Providing that a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jordan G. Ulery for the Majority of Ways and Means: This bill simply requires that the members of the general court actually vote on tax bills with a 60% majority. Recent history in this storied legislature proves that a constraint on both the majority and the minority by our constitution. When a tax increase is required the public, our employers, can be assured that the increase is accepted by a large number of their elected officials. A minority of the committee objected that such a requirement would slow the growth of the state and make passing a balanced budget difficult. Yes, it will make it more difficult and more open, more visible and more responsive to the people. An escape clause is built into the law to prevent the stagnation associated with bond payments in other states by allowing a majority vote and bond payments. Vote 13-6.

Rep. Susan W. Almy for the Minority of Ways and Means: This amendment attempts to solve one long-standing grievance (the insertion of tax and fee changes into the omnibus budget bills) by creating another (putting the budget process into permanent crisis with a supermajority requirement). The former could be solved with a CACR that requires that tax bills be separate from budget bills. The latter allows a 40.1% minority to overrule a 59.9% majority on every new tax and fee increase in the state. Every town that has tried to pass a school bond knows how hard that is. Every time a legislature cuts rates because we are in good times and revenue is pouring in, when bad times return, the minority can prevent the provision of the essential services of the state. Many past budget battles attest to the difficulty of getting 50.1%, let alone 60%. We have one of the lowest tax burdens in the country, but we depend on revenue that overall grows more slowly than the cost of services. This requirement will guarantee that New Hampshire citizens, businesses and visitors get less service every year until the government collapses. In addition, unless both houses succeed in passing whatever tax changes they need for the budget before the budget is finished, the budget

process is likely to drag into the middle of the biennium every term. This creates major problems for bonding, payment of contractors and employee retention. As a fillip, every regulated profession in the state will have to overcome a supermajority vote to adjust their fees to cope with inflation and be able to stay in business. This amendment takes us into the realms of Arizona, California, Colorado and Wisconsin. The bipartisan minority recommends its defeat.

Majority Amendment (0699h)

Amend the title of the resolution by replacing it with the following:

RELATING TO: taxation.

PROVIDING THAT: a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state provided, however, that if, prior to the beginning of each fiscal year of the state, insufficient revenues are provided to pay principal and interest on a debt to which the state has pledged its faith and credit, which is due and payable in such year, the legislature may, by majority vote, increase the rate of taxes and license fees to make up for such insufficient revenues.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state provided, however, that if, prior to the beginning of each fiscal year of the state, insufficient revenues are provided to pay principal and interest on a debt to which the state has pledged its faith and credit, which is due and payable in such year, the legislature may, by majority vote, increase the rate of taxes and license fees to make up for such insufficient revenues."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that a 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase any tax or license fee that has been levied provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit. Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Almy spoke against and yielded to questions.

Rep. Horrigan spoke against.

Rep. Vaillancourt spoke in favor.

Rep. Ulery spoke in favor and yielded to questions.

Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 234 NAYS 118

YEAS 234

BELKNAP

Accornero, Harry
Luther, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Flanders, Donald
Pilliod, James
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark
Scala, Dino

Babson, David Jr
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Simard, Paul

Brosseau, Charles
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belvin, William
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Palmer, Stephen
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Coffey, James
Daniels, Gary
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Parison, James
Reed, Michael
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Barry, Richard
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Fredette, Robert
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
Keane, Thomas
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Smith, Todd

Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abрами, Patrick
Bates, David
Charron, Gene
Davenport, Joshua
Fesh, Robert
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Garcia, Marilinda
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna

Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy

McMahon, Charles
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Murphy, Brian
Perkins, Amy
Reichard, Kevin
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

O'Connor, John
Quandt, Marshall
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Okerman, Richard
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Cataldo, Sam
Jones, Kyle
Panek, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

Domingo, Baldwin
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 118

BELKNAP

Bolster, Peter

Millham, Alida

CARROLL

Chandler, Gene

Fleck, Joseph

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris

Carr, Daniel
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Ladd, Rick Jr
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Christiansen, Lars
Garrity, Patrick
Jasper, Shawn
Moran, Edward
Ramsey, Peter
Rosenwald, Cindy

Baroody, Benjamin
Cote, David
Gidge, Kenneth
Jeudy, Jean
Pilotte, Maurice
Rhodes, Brian
Shaw, Barbara

Brunelle, Michael
Gandia, Laura
Goley, Jeffrey
Levasseur, Nickolas
Porter, Marjorie
Robbins, David
Whitehead, Randall

Campbell, David
Gargas, Carolyn
Gorman, Mary
Long, Patrick
Proulx, Mark
Rokas, Ted
Willette, Robert

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
MacKay, James
Rice, Chip
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary
Williams, Robert

Foose, Robert
Hess, David
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Allen, Mary	Cali-Pitts, Jacqueline	Case, Frank	DiPentima, Rich
Ferrante, Beverly	Gould, Kenneth	Headd, James	Lovejoy, Patricia
Moody, Marcia	Nevins, Chris	Norelli, Terie	Packard, Sherman
Pantelakos, Laura	Perkins, Lawrence	Powers, James	Read, Robin Jr
Schlachman, Donna			

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Hofemann, Roland
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Pelletier, Marsha
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report failed lacking the constitutionally required three-fifths vote. Rep. Norelli moved the minority committee report of Inexpedient to Legislate.

LAI D ON THE TABLE

Rep. Bettencourt moved that **CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit, be laid on the table.

On a division vote, 341 members having voted in the affirmative and 14 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 133, relative to the minimum wage. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tammy A. Simmons for the Majority of Labor, Industrial and Rehabilitative Services: RSA 279:21 states that "no employee shall be paid at an hourly rate lower than that set forth in the federal minimum wage law." This bill strikes out-of date and redundant language reiterating the federal minimum wage rates in NH law. HB 133 would additionally alleviate the need for the legislature to spend time amending RSA 279:21 each and every time the federal rate changes. Unnecessary RSA's that have absolutely no impact on residents of the state should be amended or repealed giving citizens a comprehensible and relevant code of law. Vote 8-7.

Rep. Jeffrey P. Goley for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee believes New Hampshire should not give up its ability to set the state minimum wage rate above the federal rate. The current New Hampshire minimum wage is the same rate as the federal wage at \$7.25 and will not go up unless the federal rate goes up or the legislature passes an increase. New Hampshire's cost of living is higher than most southern states and therefore we should keep current legislation in place so that if New Hampshire wants to raise the rate above the federal rate, as we have in the past, the law is in place for the state to set that rate higher.

The question being adoption of the majority committee report of Ought to Pass.

Reps. Keans and Goley spoke against.

Rep. Simmons spoke in favor.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 239 NAYS 106

YEAS 239**BELKNAP**

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
DeJong, Cameron
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belvin, William
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
Doherty, Shaun
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Parison, James
Proulx, Mark
Scotsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbaker, Lynne
Hess, David
Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

Coffey, Jennifer
Hoell, J.R.
McDonnell, John
Richardson, Jon
Smith, Todd

Cohn, Seth
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Garrity, James

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Fesh, Robert
Hagan, Joseph

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Headd, James

Hoelzel, Kathleen
 Kolodziej, Walter
 McMahon, Charles
 Packard, Sherman
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Wheaton, Gary

Itse, Daniel
 MacMahon, Bruce
 Nevins, Chris
 Quandt, Marshall
 Ritter, Glenn
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

Kappler, Lawrence
 Major, Norman
 O'Connor, John
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Welch, David

Katsakiores, Phyllis
 McKinney, Betsy
 Okerman, Richard
 Reichard, Kevin
 Sapareto, Frank
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Weyler, Kenneth

STRAFFORD

Cataldo, Sam
 Jones, Kyle
 Panek, William
 Vita, Lucien

DeLemus, Susan
 Jones, Laura
 Parsons, Robbie

Domingo, Baldwin
 Munck, Philip
 Pitre, Joseph

Groen, Warren
 Newton, Clifford
 Vita, Carol

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 106 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
 Parkhurst, Henry
 Weber, Lucy

Carr, Daniel
 Roberts, Chris

Hawkes, Samuel
 Sad, Tara

Lindsey, Steven
 Tatro, Bruce

COOS

Coulombe, Gary
 Theberge, Robert

Hatch, William
 Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
 Gould, Franklin
 Pierce, David

Almy, Susan
 Harding, Laurie
 Smith, Suzanne

Benn, Bernard
 Nordgren, Sharon
 Taylor, Kathleen

Cooney, Mary
 Pastor, Beatriz
 White, Andrew

HILLSBOROUGH

Baroody, Benjamin
 Fredette, Robert
 Gonzalez, Carlos
 Levasseur, Nickolas
 Ramsey, Peter
 Shaw, Barbara

Brunelle, Michael
 Garrity, Patrick
 Gorman, Mary
 Long, Patrick
 Rhodes, Brian
 Silva, Peter

Campbell, David
 Gidge, Kenneth
 Infantine, William
 Pilotte, Maurice
 Rokas, Ted
 Willette, Robert

Cote, David
 Goley, Jeffrey
 Jeudy, Jean
 Porter, Marjorie
 Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
 Frazer, June
 MacKay, James
 Rice, Chip
 Watrous, Rick

Deloge, Helen
 Gile, Mary
 Owen, Derek
 Richardson, Gary
 Williams, Robert

DeStefano, Stephen
 Hamm, Christine
 Patten, Dick
 Shurtleff, Stephen

Foose, Robert
 Lockwood, Priscilla
 Potter, Frances
 Wallner, Mary Jane

ROCKINGHAM

Allen, Mary	Cali-Pitts, Jacqueline	DiPentima, Rich	Gould, Kenneth
Lovejoy, Patricia	Mauro, Donna	Moody, Marcia	Murphy, Brian
Norelli, Terie	Pantelakos, Laura	Peckham, Michele	Perkins, Amy
Perkins, Lawrence	Powers, James	Quandt, Matt	Read, Robin Jr
Schlachman, Donna	Webb, James		

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Hofemann, Roland
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Pelletier, Marsha
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Wall, Janet	Watters, David	Weeden, Michael

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report was adopted and ordered to third reading.

HB 273*, relative to public or private criticism of employers by employees. **INEXPEDIENT TO LEGISLATE.*

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The sponsor of the bill was concerned that negative comments made by employees outside work or on social media sites could be used by employers as grounds for dismissal. The bill would allow criticism no matter how determined and the employer would not be able to dismiss or fire the employee. There was some opposition to the ITL vote citing freedom of speech. While the majority respects this freedom, it still believes in responsibility for ones actions. Yelling fire in a crowded movie house or maligning ones employer to the general public without consequence go far beyond ones right to free speech. Vote 11-4.

On a division vote, 256 members having voted in the affirmative and 82 in the negative, the committee report was adopted.

HB 275*, establishing an employers' private right of action to enforce the payment of workers' compensation coverage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.*

Rep. William J. Infantine for the Majority of Labor, Industrial and Rehabilitative Services: The concept of a private right of action is to allow private citizens or companies to bring suit against a competing company for violations of laws enforced by the New Hampshire department of labor. The premise of the bill is that if a company loses a bid to a competitor, the competitor must have cheated and therefore is ripe for a private right of action. This bill would open the door to additional legislation to allow private companies to bring suits against any competitor and use up the obligation of the various state departments to enforce the laws made by the legislature. This bill has come before the legislature three times in the past eight years. It has been defeated by a significant majority of the House when controlled by both Democrat and Republican majorities. Vote 11-4.

Rep. Charles F. Weed for the Minority of Labor, Industrial and Rehabilitative Services: The minority believes that the private right of action can be a useful tool in clarifying the ambiguity between employees and subcontractors. We also believe that private employers are responsible enough to be very cautious in charging other employers with a probable violation of the law. The private right of action could be a useful addition to New Hampshire's law enforcement capacities.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Long spoke against.

Rep. Infantine spoke in favor.

On a division vote, 267 members having voted in the affirmative and 62 in the negative, the majority committee report was adopted.

(Rep. Bettencourt in the Chair)**PERSONAL PRIVILEGE**

Rep. Infantine addressed the House.

REGULAR CALENDAR (CONT'D)

HB 362, relative to binding arbitration in public labor relations disputes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. G. Brian Seaworth for the Majority of Labor, Industrial and Rehabilitative Services: This bill attempts to offer a solution to prolonged impasse in public negotiations. A bipartisan majority of the committee found that the language of this bill, as written, would not accomplish its intended purpose. Vote 12-3.

Rep. Charles F. Weed for the Minority of Labor, Industrial and Rehabilitative Services: The minority believes that the impasse procedure in RSA 273a, public employee collective bargaining, is broken, and that adding last best offer arbitration can fix that process. There is no end process to the dispute if either party in negotiating rejects the process and report required in mediation and fact finding. Although the committee did not receive fresh data, information was provided that there are over 50 contracts still at impasse, some for over six years. Last best offer arbitration provides an end process at the bargaining table and still leaves it up to the legislative body to accept or reject the financial aspects decided by the arbitrator.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Coulombe requested a roll call; sufficiently seconded.

YEAS 258 NAYS 83**YEAS 258****BELKNAP**

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Moore, Charles	Moore, Robert Jr	Sad, Tara
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sova, Charles	Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gargas, Carolyn
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert

Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Bouchard, Candace
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Copeland, Timothy
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Peckham, Michele
Rice, Frederick
Schlachman, Donna
Smith, William
Tamburello, Daniel
Ward, Joanne
Wheaton, Gary

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

Antosz, Jason
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

Azarian, Gary
Brown, Paul
Comerford, Timothy
Duarte, Joe
Garrity, James
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Sprague, Dale
Weeden, Michael

DeLemus, Susan
Jones, Laura
Panek, William
Vita, Carol

Domingo, Baldwin
Keans, Sandra
Parsons, Robbie
Vita, Lucien

Groen, Warren
Munck, Philip
Pitre, Joseph
Wall, Janet

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 83 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Weber, Lucy

Carr, Daniel
Parkhurst, Henry

Hawkes, Samuel
Roberts, Kris

Johnsen, Gladys
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguir, James
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
White, Andrew

Cooney, Mary
Pastor, Beatriz

Gould, Franklin
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Garity, Patrick
Judy, Jean
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Gidge, Kenneth
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Campbell, David
Goley, Jeffrey
Long, Patrick
Rhodes, Brian

Cote, David
Gorman, Mary
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Deloge, Helen
Gile, Mary
Patten, Dick
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Watrous, Rick

Foose, Robert
MacKay, James
Richardson, Gary
Williams, Robert

Frazer, June
Owen, Derek
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Powers, James

DiPentima, Rich
Pantelakos, Laura
Quandt, Marshall

Lovejoy, Patricia
Perkins, Amy
Read, Robin Jr

Moody, Marcia
Perkins, Lawrence

STRAFFORD

Berube, Roger
Horrigan, Timothy
Spainhower, Dale

Browne, Brendon
Kaen, Naida
Spang, Judith

Ginsburg, Philip
Pelletier, Marsha
Watters, David

Hofemann, Roland
Roberts, Jenna

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

HB 560, increasing the minimum wage. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Steven D. Smith for the Majority of Labor, Industrial and Rehabilitative Services: While we sympathize with the plight of low income workers, we feel that even a low wage job is better than no job, particularly when other benefits like health insurance are considered. We feel that it would be irresponsible in today's fragile economy to put more of a burden on New Hampshire businesses and endanger New Hampshire jobs. Vote 11-4.

Rep. Andrew A. White for the Minority of Labor, Industrial and Rehabilitative Services: Increasing the minimum wage by \$0.75/hour would put an additional \$30.00 per week into the pockets of New Hampshire's 4,000 lowest paid workers. The minority knows that this increase in wages is as good or better than any tax cut for these low paid workers. More money in their pocket equals more money to spend at restaurants, more money to spend on newer vehicles, or perhaps for some the money to spend on a home. Part of this money comes back to local businesses, cities and towns and to the state in the form of rooms and meals taxes, registration fees, and perhaps even property taxes.

The question being adoption of the majority committee report of Inexpedient to Legislate.
 Reps. Brunelle and Long spoke against.
 Rep. Daniels spoke in favor.
 Rep. Merrick requested a roll call; sufficiently seconded.

YEAS 238 NAYS 89**YEAS 238****BELKNAP**

Accornero, Harry
 Luther, Robert
 Simpson, Tyler

Bolster, Peter
 Malone, Robert
 St. Cyr, Jeffrey

Fields, Dennis
 Millham, Alida
 Tilton, Franklin

Greemore, Robert
 Russell, David
 Worsman, Colette

CARROLL

Ahlgren, Christopher
 Knox, J. David
 Patten, Betsey
 Tregenza, Norman

Babson, David Jr
 McCarthy, Frank
 Pettengill, Laurie
 Umberger, Karen

Chandler, Gene
 McConkey, Mark
 Scala, Dino

Fleck, Joseph
 Merrow, Harry
 Schmidt, Stephen

CHESHIRE

Byrnes, John
 Hunt, John
 Smith, Edwin

Cartwright, Anne
 Johnson, Jane
 Sterling, Franklin Jr

Dwinell, Richard
 Moore, Charles

Emerson, Susan
 Moore, Robert Jr

COOS

Daugherty, Duffy
 Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
 Gionet, Edmond
 Reilly, Harold Sr

Brosseau, Charles
 Ingbretson, Paul
 Simard, Paul

Bulis, Lyle
 Ladd, Rick Jr
 Sorg, Gregory

Eaton, Stephanie
 Mirski, Paul
 Sova, Charles

HILLSBOROUGH

Avard, Kevin
 Belanger, James
 Brownrigg, Randall Jr
 Champagne, Norma
 Condra, William
 DeJong, Cameron
 Fredette, Robert
 Graham, John
 Hawkins, Kenneth
 Hogan, Timothy
 Infantine, William
 Lambert, George
 McCarthy, Michael
 Moran, Edward
 Palmer, Stephen
 Pratt, Calvin
 Scontsas, Lisa
 Soucy, Connie
 Terrio, Ross
 Villeneuve, Moe

Balboni, Michael
 Belvin, William
 Burt, John
 Christensen, D.L. Chris
 Coughlin, Sean
 Doherty, Shaun
 Gagne, Larry
 Greazzo, Phil
 Hikel, John
 Holden, Frank
 Jasper, Shawn
 LeBrun, Donald
 McClarren, Donald
 Murphy, Keith
 Parison, James
 Reed, Michael
 Seidel, Carl
 Souza, Kathleen
 Twombly, Timothy
 Warden, Mark

Barry, J. Gail
 Boehm, Ralph
 Campbell, David
 Christiansen, Lars
 Cusson-Cail, Kathleen
 Donovan, Daniel
 Gandia, Laura
 Haefner, Robert
 Hinch, Richard
 Hopper, Gary
 Krasucki, Joseph
 Maltz, Jonathan
 McGuinness, Sean
 Notter, Jeanine
 Pellegrino, Tony
 Renzullo, Andrew
 Silva, Peter
 Stepanek, Stephen
 Ulery, Jordan
 Whitehead, Randall

Barry, Richard
 Brown, Kevin
 Cebrowski, John
 Coffey, James
 Daniels, Gary
 Flanagan, Jack
 Gargas, Carolyn
 Hardwick, Harry
 Hogan, Edith
 Hutchinson, Winfred
 Kurk, Neal
 Marcus, Bruce
 Mecheski, Holly
 Ohm, Bill
 Peterson, Lenette
 Robbins, David
 Simmons, Tammy
 Stroud, Kathleen
 Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
 Hoell, J.R.

Bouchard, Candace
 Keane, Thomas

Cohn, Seth
 Kotowski, Frank

Giuda, J. Brandon
 Kreis, Kenneth Sr

Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian
Winter, Steven

McDonnell, John
Reed, Dennis
Smith, Molly

McGuire, Carol
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
DeSimone, Debra
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
Chirichiello, Brian
Duarte, Joe
Garrity, James
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Waddell, James
Wheaton, Gary

Antosz, Jason
Brown, Paul
Comerford, Timothy
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tasker, Kyle
Ward, Joanne

Azarian, Gary
Case, Frank
Copeland, Timothy
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, Kevin
Tremblay, Stella
Welch, David

STRAFFORD

Cataldo, Sam
Jones, Kyle
Panek, William
Vita, Carol

DeLemus, Susan
Jones, Laura
Parsons, Robbie

Domingo, Baldwin
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Sprague, Dale

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 89 BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Tatro, Bruce

Carr, Daniel
Parkhurst, Henry
Weber, Lucy

Hawkes, Samuel
Roberts, Kris

Johnsen, Gladys
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguir, James
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
White, Andrew

Gould, Franklin
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick

Brunelle, Michael
Gidge, Kenneth

Buxton, Michael
Goley, Jeffrey

Cote, David
Gonzalez, Carlos

Gorman, Mary
Pilotte, Maurice
Rhodes, Brian

Jeady, Jean
Porter, Marjorie
Rokas, Ted

Long, Patrick
Proulx, Mark
Shaw, Barbara

Messier, Irene
Ramsey, Peter

MERRIMACK

Deloge, Helen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Gile, Mary
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Webb, James

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger
Horrigan, Timothy
Schmidt, Peter
Watters, David

Browne, Brendon
Keans, Sandra
Spainhower, Dale
Weeden, Michael

Ginsburg, Philip
Pelletier, Marsha
Spang, Judith

Hofemann, Roland
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John
and the majority committee report was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kevin P. Sullivan for the Majority of Labor, Industrial and Rehabilitative Services: This bill repeals card check. The majority of the committee feels strongly that a person's right to vote should be private and that it will lessen coercion. Vote 11-4.

Rep. Andrew A. White for the Minority of Labor, Industrial and Rehabilitative Services: This bill seeks to remove the least expensive option to certify a bargaining unit. Today, there are two ways to certify a bargaining unit: the written majority and the secret ballot methods. Over the past four years, 2/3 of all bargaining units certified by the public employee labor relations board (PELRB) have been certified by the method this bill seeks to remove. The minority understands that passage of this bill will increase burdens on PELRB staff and public employers as well as increasing agency expenses at a time when we should be focused on creating efficiencies and reducing costs.

The question being adoption of the majority committee report of Ought to Pass.

Rep. White spoke against.

Rep. Infantine spoke in favor and yielded to questions.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 255 NAYS 88

YEAS 255

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Worsman, Colette

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hawkes, Samuel
Moore, Robert Jr

Cartwright, Anne
Hunt, John
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Sterling, Franklin Jr

Emerson, Susan
Moore, Charles
Tatro, Bruce

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Ingbreton, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brownrigg, Randall Jr
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belvin, William
Burt, John
Coffey, James
Daniels, Gary
Drisko, Richard
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Condra, William
DeJong, Cameron
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, Richard
Brown, Kevin
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Parison, James
Reed, Michael
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Copeland, Timothy
Duarte, Joe
Garrity, James
Headd, James
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Reichard, Kevin

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Rice, Frederick

Antosz, Jason
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Fesh, Robert
Griffin, Mary
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Peckham, Michele
Ritter, Glenn

Azarian, Gary
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Reagan, John
Sanders, Elisabeth

Sapareto, Frank
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

STRAFFORD

Cataldo, Sam
Jones, Kyle
Panek, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

Domingo, Baldwin
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 88 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Parkhurst, Henry

Carr, Daniel
Sad, Tara

Johnsen, Gladys
Weber, Lucy

Lindsey, Steven

COOS

Coulombe, Gary

Merrick, Evalyn

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gorman, Mary
Porter, Marjorie
Rokas, Ted

Brunelle, Michael
Garrity, Patrick
Judy, Jean
Proulx, Mark
Rosenwald, Cindy

Buxton, Michael
Gidge, Kenneth
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Campbell, David
Goley, Jeffrey
Pilotte, Maurice
Rhodes, Brian

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

DiPentima, Rich
Perkins, Amy
Quandt, Matt

Moody, Marcia
Perkins, Lawrence
Read, Robin Jr

Norelli, Terie
Powers, James
Schlachman, Donna

Pantelakos, Laura
Quandt, Marshall

STRAFFORD

Berube, Roger
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Browne, Brendon
Keans, Sandra
Spainhower, Dale
Watters, David

Ginsburg, Philip
Pelletier, Marsha
Spang, Judith

Hofemann, Roland
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the majority committee report was adopted and ordered to third reading.

HB 561-FN, prohibiting the state payment of the cost of wireless communications services for legislators and staff. **INEXPEDIENT TO LEGISLATE.**

Rep. Marilinda J. Garcia for Legislative Administration: This bill would rescind funds for the 35 state-owned wireless telecommunication devices currently in the possession of legislative leadership and legislative staff. While the intent of the bill was to save \$18,732 in annual state expenditures and to communicate the full extent of legislative commitment to fiscal discipline to New Hampshire citizens, the bill as written would, in fact, impede the effectiveness and efficiency of the legislative body and staff as a whole thereby being a net loss to the public good. In addition, the distinction between wireless telecommunication “devices” and wireless telecommunication “services” is not clear – the words are used interchangeably in the bill and the LBAO fiscal note analysis. Vote 9-4. Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 249 NAYS 93**YEAS 249****BELKNAP**

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Knox, J. David
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Johnsen, Gladys	Johnson, Jane	Moore, Charles	Moore, Robert Jr
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Thomas, Yvonne	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belvin, William	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christensen, D.L. Chris	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Flanagan, Jack	Gagne, Larry	Gandia, Laura
Gargas, Carolyn	Gidge, Kenneth	Gonzalez, Carlos	Gorman, Mary
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	Maltz, Jonathan

Marcus, Bruce
Messier, Irene
Ohm, Bill
Peterson, Lenette
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

McCarthy, Michael
Moran, Edward
Palmer, Stephen
Pilotte, Maurice
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

McGuinness, Sean
Murphy, Keith
Parison, James
Porter, Marjorie
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

MERRIMACK

Coffey, Jennifer
Hess, David
Lauer-Rago, Kathleen
Owen, Derek
Rice, Chip
Smith, Todd

Cohn, Seth
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Richardson, Jon
Soltani, Tony

Frazer, June
Kotowski, Frank
McDonnell, John
Patten, Dick
Seaworth, G. Brian
Winter, Steven

Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Dan
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Perkins, Lawrence
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

Allen, Mary
Bates, David
Charron, Gene
DeSimone, Debra
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Antosz, Jason
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

Azarian, Gary
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Munck, Philip
Pitre, Joseph
Weeden, Michael

DeLemus, Susan
Newton, Clifford
Roberts, Jenna

Domingo, Baldwin
Panek, William
Vita, Carol

Groen, Warren
Parsons, Robbie
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr

NAYS 93 BELKNAP

St. Cyr, Jeffrey

CARROLL

Fleck, Joseph

CHESHIRE

Butynski, William
Lindsey, Steven
Tatro, Bruce

Carr, Daniel
Parkhurst, Henry
Weber, Lucy

Hawkes, Samuel
Roberts, Kris

Hunt, John
Sad, Tara

COOS

Coulombe, Gary	Merrick, Evalyn	Remick, William	Theberge, Robert
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GRAFTON

Aguir, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Taylor, Kathleen	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Brunelle, Michael	Campbell, David
Cote, David	Fredette, Robert	Garrity, Patrick	Goley, Jeffrey
Judy, Jean	Levasseur, Nickolas	Long, Patrick	McClarren, Donald
Ramsey, Peter	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara	Terrio, Ross		

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Gile, Mary	Hamm, Christine	Hoell, J.R.
MacKay, James	McGuire, Carol	Potter, Frances	Sanborn, Laurie
Shurtleff, Stephen	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Call-Pitts, Jacqueline	Chirichiello, Brian	DiPentima, Rich	Gould, Kenneth
Lovejoy, Patricia	Moody, Marcia	Pantelakos, Laura	Perkins, Amy
Powers, James	Quandt, Marshall	Read, Robin Jr	Schlachman, Donna

STRAFFORD

Berube, Roger	Browne, Brendon	Hofemann, Roland	Horrigan, Timothy
Jones, Kyle	Jones, Laura	Keans, Sandra	Pelletier, Marsha
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Sprague, Dale
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Osgood, Joe
Schmidt, Andrew	Smith, Steven		

and the committee report was adopted.

Rep. DeJong declared a conflict of interest and did not participate.

HB 109, relative to residential fire sprinklers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Burt for Municipal and County Government: The amendment states that the planning board shall not require, adopt or enforce any regulation requiring the installation of a fire suppression sprinkler system in proposed one or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond or other credible water source other than a fire suppression sprinkler system. The majority felt that the \$5000 to \$20,000 cost to a one or 2-family residence to install a suppression sprinkler system would kill the new housing market in NH. Vote 13-3.

Amendment (0267h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Local Land Use; Subdivision Regulations. Amend RSA 674:36 by inserting after paragraph III the following new paragraph:

IV. The planning board shall not require, or adopt or enforce any regulation requiring, the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond, or other credible water source other than a fire suppression sprinkler system.

AMENDED ANALYSIS

This bill prohibits local planning boards from requiring the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Condra spoke against and yielded to questions.
Rep. Hunt spoke in favor and yielded to questions.
Committee report adopted and ordered to third reading.

(Speaker O'Brien in the Chair)

HB 316, relative to due process requirements in property appraisals for property tax purposes.
OUGHT TO PASS WITH AMENDMENT.

Rep. Betsey L. Patten for Municipal and County Government: The original text of HB 316 dealt with the constitutional issue of a citizen losing the right of appeal if the selectmen or assessing officials are unable to obtain consent to enter a dwelling for the purpose of assessing the property value and an alternate process to assess the unseen property. RSA 74 sets out the process for filling out the annual inventory of polls and taxable property. The committee felt that reinstating the ability to appeal an assessing value was important and gives the property owner due process. The amendment keeps the administrative inspection warrant that gives the municipality its due process to make sure that all property is assessed fairly. It also gives the other taxpayers assurance that everyone is paying his or her fair share. Vote 14-1.

Amendment (0533h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property.

Amend the bill by replacing all after the enacting clause with the following:

1 Inventory Form; Appeal Rights. Amend RSA 74:7-a to read as follows:

74:7-a Penalty for Failure to File.

I. Any person who fails to file a fully completed inventory form on or before April 15, unless granted an extension under RSA 74:8, shall pay a penalty of one percent of the property tax for which the person is liable. In no case, however, shall the penalty be less than \$10 or more than \$50. ~~[Any person who fails to file an inventory form and who becomes liable to pay the penalty specified in this section shall lose the right to appeal the denial of an abatement of an appraisal under RSA 75:1, but shall not]~~ **No person who fails to file an inventory form shall** lose the right to apply for, or appeal the denial of, any other type of tax relief including an appeal under RSA 72:34-a, an appraisal under RSA 75:11, or a land use change tax under RSA 79-A:7. This penalty has all the force of taxation and shall be treated as incident to the tax.

II. If a town fails to deliver the inventory blank, the penalty ~~[of loss of appeal rights]~~ shall not apply.

III. If the property is transferred during the tax year to a different owner and the inventory blank was mailed or delivered to the previous owner, the penalty ~~[of loss of appeal rights]~~ shall not apply to the subsequent owner.

2 Elimination of Inventory Blanks. Amend RSA 74:4-a, I to read as follows:

I. Any municipality, by vote of its board of selectmen, city council or board of aldermen may elect not to utilize the inventory form or procedure. Such a vote shall automatically exempt all property owners and others within that municipality from all requirements and provisions of law relating to the inventory form~~[-including the requirement of filing an inventory in a complete and timely manner in order to retain all appeal rights on property tax or other exemptions and considerations to which they may legally be entitled].~~

3 Repeal. RSA 74:17, II, relative to the loss of right to appeal tax for refusing to grant inspection of property, is repealed.

4 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill removes the penalty of loss of appeal for property owners who refuse to grant consent to assessing officials to inspect their property or who fail to file an inventory form.
Amendment adopted.
Committee report adopted and ordered to third reading.

HB 340-FN, promoting parental choice in education and providing for an abatement from the education taxes for parents of children not enrolled in the public school system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey S. Shackett for the Majority of Municipal and County Government: Although most of the testimony heard was very passionate, the committee voted with bi-partisan support 14-2 ITL. The fiscal notes attached to this bill were the overwhelming factor for our decision. The department of education estimates trust fund revenue would decrease by 89 million in FY 2012, and 186 million in FY 2013. These estimates only account for those students who would be enrolled in private schools. It does not include any home school students whose parents would certainly apply for this abatement which would significantly further increase these estimates. Vote 14-2.

Rep. John A. Burt for the Minority of Municipal and County Government: First is the fact that we are facing a financial crisis that demands a long term perspective. A shortsighted band-aid approach will no longer work. This bill, by bringing competition into the educational marketplace, provides incentives for parents to put their children into private schools. In the long term this will have a very significant positive impact on the tax rate as greater numbers of parents, especially lower income parents, take advantage of the option of having some their educational tax payments returned to them thus enabling them to take advantage of private school opportunities in an environment more in tune with their family's worldview. The property tax burden in New Hampshire is onerous and education is by far its largest component. It is time that we faced up to this issue and this bill provides an opportunity to do just that. The second point is simply one of fairness. We hear the cry of, "What about the poor?" time after time on many issues, but when it comes to education we ignore the poor by denying them any real choice and forcing them to stay in the public schools. This bill simply allows a family to use a portion of the education part of their own property taxes (added to additional funds of their own) to provide an educational environment more in keeping with their family's values. The third issue is the positive impact that this bill, by introducing competition, could have on the quality of education in all schools whether public or private. Public education is for the most part a monopoly, funded like the established churches of the early colonies where everyone had to pay for that church whether they attended or not. Monopolies by their very nature are bureaucratic, highly centralized, lacking in creativity and expensive. The government education monopoly is no exception! This bill would provide the basis for some genuine competition which would have a very positive impact on all schools.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Munck and Kris Roberts spoke in favor.

Reps. Carol Vita and Soltani spoke against and yielded to questions.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 227 NAYS 114

YEAS 227

BELKNAP

Bolster, Peter
Millham, Alida

Flanders, Donald
Pilliod, James

Luther, Robert
Russell, David

Malone, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Knox, J. David
Scala, Dino

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Sterling, Franklin Jr

Carr, Daniel
Johnson, Jane
Roberts, Kris
Tatro, Bruce

Dwinell, Richard
Lindsey, Steven
Sad, Tara
Weber, Lucy

Hawkes, Samuel
Moore, Robert Jr
Smith, Edwin

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Richardson, Herbert
Tremblay, Marc

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

GRAFTON

Almy, Susan	Benn, Bernard	Bradley, Lester	Bulis, Lyle
Cooney, Mary	Gionet, Edmond	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Simard, Paul	Smith, Suzanne	Taylor, Kathleen	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Belvin, William	Boehm, Ralph
Brunelle, Michael	Buxton, Michael	Campbell, David	Champagne, Norma
Christensen, D.L. Chris	Coffey, James	Condra, William	Cote, David
Cusson-Cail, Kathleen	Doherty, Shaun	Drisko, Richard	Flanagan, Jack
Fredette, Robert	Gargas, Carolyn	Garrrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Haefner, Robert	Hansen, Peter	Hawkins, Kenneth	Hinch, Richard
Hogan, Timothy	Holden, Frank	Hutchinson, Winfred	Infantine, William
Jasper, Shawn	Jeudy, Jean	Kurk, Neal	Lambert, George
Long, Patrick	Maltz, Jonathan	McGuinness, Sean	Moran, Edward
Parison, James	Pellegrino, Tony	Pilotte, Maurice	Porter, Marjorie
Proulx, Mark	Ramsey, Peter	Reed, Michael	Rhodes, Brian
Robbins, David	Rosenwald, Cindy	Scontsas, Lisa	Seidel, Carl
Shaw, Barbara	Silva, Peter	Soucy, Connie	Stepanek, Stephen
Stroud, Kathleen	Swank, Matthew	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Vaillancourt, Steve	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Cohn, Seth	Deloge, Helen
DeStefano, Stephen	Foose, Robert	Frazer, June	Gile, Mary
Hamm, Christine	Hess, David	Kotowski, Frank	Kreis, Kenneth Sr
Lockwood, Priscilla	MacKay, James	McDonnell, John	Owen, Derek
Palfrey, David	Potter, Frances	Reed, Dennis	Rice, Chip
Richardson, Gary	Sanborn, Laurie	Shurtleff, Stephen	Wallner, Mary Jane
Watrouts, Rick	Williams, Robert		

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Bates, David	Bettencourt, David
Cali-Pitts, Jacqueline	Case, Frank	Charron, Gene	Chirichiello, Brian
Copeland, Timothy	DiPentima, Rich	Dowling, Patricia	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Garrrity, James	Gould, Kenneth
Griffin, Mary	Headd, James	Hoelzel, Kathleen	Kappler, Lawrence
Katsakiores, Phyllis	Lovejoy, Patricia	MacMahon, Bruce	Major, Norman
Mauro, Donna	McKinney, Betsy	McMahon, Charles	Nevins, Chris
Norelli, Terie	O'Connor, John	Packard, Sherman	Pantelakos, Laura
Peckham, Michele	Perkins, Amy	Perkins, Lawrence	Powers, James
Quandt, Marshall	Quandt, Matt	Read, Robin Jr	Rice, Frederick
Sanders, Elisabeth	Sapareto, Frank	Schlachman, Donna	Sedensky, John
Sullivan, James	Sullivan, Kevin	Sytek, John	Tucker, Pamela
Waddell, James	Ward, Joanne	Webb, James	Welch, David
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Browne, Brendon	Domingo, Baldwin	Ginsburg, Philip
Hofemann, Roland	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Munk, Philip	Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Wall, Janet	Watters, David	Weeden, Michael

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	LaCasse, Paul Sr
Lefebvre, Benjamin	Lovett, Charlene	Rodeschin, Beverly	Schmidt, Andrew

NAYS 114**BELKNAP**

Accornero, Harry
Swinford, Elaine

Fields, Dennis
Tilton, Franklin

Greemore, Robert
Worsman, Colette

Simpson, Tyler

CARROLL

McCarthy, Frank

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne

Emerson, Susan

Hunt, John

COOS

None

GRAFTON

Brosseau, Charles
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

Mirski, Paul

Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Brown, Kevin
Christiansen, Lars
Gagne, Larry
Hikel, John
LeBrun, Donald
Mecheski, Holly
Ohm, Bill
Renzullo, Andrew
Ulery, Jordan

Balboni, Michael
Brownrigg, Randall Jr
Daniels, Gary
Gandia, Laura
Hogan, Edith
Marcus, Bruce
Messier, Irene
Palmer, Stephen
Rowe, Robert
Villeneuve, Moe

Barry, J. Gail
Burt, John
DeJong, Cameron
Greazzo, Phil
Hopper, Gary
McCarthy, Michael
Murphy, Keith
Peterson, Lenette
Simmons, Tammy
Warden, Mark

Barry, Richard
Cebrowski, John
Donovan, Daniel
Hardwick, Harry
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Pratt, Calvin
Souza, Kathleen

MERRIMACK

Coffey, Jennifer
Lauer-Rago, Kathleen
Seaworth, G. Brian
Winter, Steven

Giuda, J. Brandon
McGuire, Carol
Smith, Molly

Hoell, J.R.
McGuire, Dan
Smith, Todd

Keane, Thomas
Richardson, Jon
Soltani, Tony

ROCKINGHAM

Antosz, Jason
Brown, Paul
Garcia, Marilinda
Manuse, Andrew
Reichard, Kevin
Smith, William
Wheaton, Gary

Azarian, Gary
Comerford, Timothy
Hagan, Joseph
Murphy, Brian
Ritter, Glenn
Tamburello, Daniel

Baldasaro, Alfred
Davenport, Joshua
Itse, Daniel
Okerman, Richard
Sheffert, Kenneth
Tasker, Kyle

Birdsell, Regina
DeSimone, Debra
Kolodziej, Walter
Reagan, John
Shuler, Wyman III
Tremblay, Stella

STRAFFORD

Cataldo, Sam
Jones, Laura
Pitre, Joseph

DeLemus, Susan
Newton, Clifford
Vita, Carol

Groen, Warren
Panek, William
Vita, Lucien

Jones, Kyle
Parsons, Robbie

SULLIVAN

Bowers, Spec
Smith, Steven

Howard, Thomas

Laware, Thomas

Osgood, Joe

and the majority committee report was adopted.

HB 341, relative to local spending caps. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: This bill would allow charter cities and charter towns to amend their charters to permit a tax cap on the city, town or the school district budgets, or taxes assessed by the city. The cap could only be overridden by a 2/3 vote of the

elected body present and voting. Six towns - Allenstown, Derry, Hampstead, Kingston, Rindge and Salem - have already approved tax and spending caps and the town of Hudson rejected the effort. Also six cities - Dover, Franklin, Laconia, Manchester, Nashua and Rochester - have adopted this option. The cities of Claremont and Somersworth rejected the effort. The city of Concord had a petition filed but was not submitted to the voters and an appeal is in the Supreme Court. The city of Portsmouth also had a charter change request but the petition was rejected because of technical issues. As stated in the testimony given to the committee, the people of New Hampshire have a right to control their own destiny. The towns that have adopted the budget act already have an ability to limit spending. It only seems fair to allow those taxpayers in charter towns and cities to have the same option to choose limited spending. Since there have been lawsuits prohibiting the tax caps, this bill is required to declare local spending caps are lawful. The majority of the committee believe that allowing tax caps will give the citizens of a town, school or city an ability to have a greater say in their government. Vote 13-2.

Amendment (0570h)

Amend the bill by replacing all after section 1 with the following:

2 New Section; City Charters; Limitations on Growth of Budgets and Taxes. Amend RSA 49-C by inserting after section 23 the following new section:

49-C:23-a Limitations on the Growth of Budgets and Taxes. A city charter may provide for limitations on the growth of one or more of the following: the annual city budget, the annual school budget if the city and the school district have the same legislative body, or taxes assessed by the city. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limitation by a 2/3 vote of all members of the elected body or a 2/3 vote of all members of the elected body present and voting.

3 New Section; Town Charters; Limitations on the Growth of Budgets and Taxes. Amend RSA 49-D by inserting after section 5 the following new section:

49-D:6 Limitations on the Growth of Budgets and Taxes.

I. Any town that by charter has adopted the town council form of government authorized under RSA 49-D:3, I, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the town and school district have the same legislative body, or taxes assessed by the town. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limitation by a 2/3 vote of all members of the town council present and voting.

II. Any town that by charter has adopted the official ballot town council form of government authorized under RSA 49-D:3, I-a, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the town and school district have the same legislative body, or taxes assessed by the town. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limitation by a 2/3 vote of all members of the town council present and voting. No matter to be voted on by official ballot may be subject to a supermajority voting requirement.

III. Any town that by charter has adopted the representative town meeting form of government authorized under RSA 49-D:3, III, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the town and school district have the same legislative body, or taxes assessed by the town. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limit by a 2/3 vote of all members of the representative town meeting present and voting.

4 Applicability. Any municipal charter provision adopted, amended, or revised prior to the effective date of this act which authorizes a 2/3 vote of the elected body to override any provision limiting the growth of budgets or taxes shall remain in effect on the effective date of this act.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 257 NAYS 84**YEAS 257****BELKNAP**

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Worsman, Colette

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles
Tatro, Bruce

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Balboni, Michael
Belvin, William
Burt, John
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Coffey, James
DeJong, Cameron
Flanagan, Jack
Gargasz, Carolyn
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Barry, Richard
Brown, Kevin
Cebrowski, John
Condra, William
Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kreiss, Kenneth Sr
McGuire, Carol

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan

Cohn, Seth
Keane, Thomas
Lockwood, Priscilla
Palfrey, David

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis

Richardson, Jon
Smith, Todd

Sanborn, Laurie
Soltani, Tony

Seaworth, G. Brian
Watrous, Rick

Smith, Molly
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Garriy, James
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

STRAFFORD

Cataldo, Sam
Jones, Kyle
Panek, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Watters, David

Domingo, Baldwin
Munck, Philip
Pitre, Joseph
Weeden, Michael

Groen, Warren
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene
Smith, Steven

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 84

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Johnson, Jane
Sad, Tara

Carr, Daniel
Lindsey, Steven
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry

Johnsen, Gladys
Roberts, Kris

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
White, Andrew

Gould, Franklin
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Garriy, Patrick

Brunelle, Michael
Gidge, Kenneth

Campbell, David
Goley, Jeffrey

Cote, David
Gorman, Mary

Jeady, Jean
Porter, Marjorie
Shaw, Barbara

Long, Patrick
Ramsey, Peter
Willette, Robert

Moran, Edward
Rhodes, Brian

Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Rice, Chip
Williams, Robert

Foose, Robert
MacKay, James
Richardson, Gary

ROCKINGHAM

Allen, Mary
Norelli, Terie
Read, Robin Jr

Cali-Pitts, Jacqueline
Pantelakos, Laura
Schlachman, Donna

DiPentima, Rich
Perkins, Lawrence

Lovejoy, Patricia
Powers, James

STRAFFORD

Berube, Roger
Horrigan, Timothy
Roberts, Jenna

Browne, Brendon
Kaen, Naida
Schmidt, Peter

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale

Hofemann, Roland
Pelletier, Marsha
Wall, Janet

SULLIVAN

Cloutier, John
and the committee report was adopted and ordered to third reading.

Gagnon, Raymond

Lefebvre, Benjamin

HB 361, enabling counties to adopt semi-annual payment of county taxes by towns and cities. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Coffey for Municipal and County Government: The committee determined by a significant bi-partisan majority that this bill could adversely affect towns and cities by requiring a mid-year partial payment. This payment could increase borrowing needs of the town and cities. Vote 13-2. Committee report adopted.

HB 368-FN-L, relative to workforce housing and the definition of community. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey S. Shackett for the Majority of Municipal and County Government: Workforce housing is extremely important to our local economy. It has been well documented that New Hampshire has a critical shortage of housing options affordable to moderate and lower income families. The lack of affordable housing negatively impacts our states ability to grow a strong economy (no housing, no workers). We must work proactively and cooperatively on finding ways to make available housing for all members of our community. The workforce housing statute has been in effect for less than 2 years and has been supported by many communities including the city of Nashua and the town of Amherst. This bill would have a negative impact on housing for all lower and moderate income families by requiring the local legislative body to approve any such housing in our communities. Vote 14-1.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill is an attempt to convert the current workforce housing statute to enabling legislation. Workforce housing has its origin in Massachusetts and what the minority believes is a faulty New Hampshire supreme court decision. (*Britton v The Town of Chester*). The current law restricts planning boards due to the fact that contractors can appeal any part of the planning process to superior court. This is causing cities and town to incur excessive legal costs. Additionally, the law is not successful in developing affordable housing in towns that have high land prices. This was its original goal. Based on a complicated mathematical formula, workforce housing limits the price the property can sell for, limits any appreciation of the property and places limits on maximum income levels. It also has an effect on any attempt to maintain current master plan objectives. By "opting in" the requirements of workforce housing, the bill is trying to return local control in any development or planning, versus the control originating in Concord and ultimately the courts.

The question being adoption of the majority committee report of Inexpedient to Legislate. Rep. Flanagan spoke against and yielded to questions.

Rep. Burt spoke against.

Rep. James Coffey spoke in favor and yielded to questions.

Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 141 NAYS 189

YEAS 141

BELKNAP

Accornero, Harry
Russell, David

Bolster, Peter
Tilton, Franklin

Luther, Robert

Millham, Alida

CARROLL

Babson, David Jr
Morrow, Harry

Fleck, Joseph
Schmidt, Stephen

Knox, J. David
Umberger, Karen

McCarthy, Frank

CHESHIRE

Butynski, William
Lindsey, Steven
Sad, Tara
Weber, Lucy

Carr, Daniel
Moore, Robert Jr
Smith, Edwin

Dwinell, Richard
Parkhurst, Henry
Sterling, Franklin Jr

Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Almy, Susan
Gionet, Edmond
Pastor, Beatriz
Taylor, Kathleen

Benn, Bernard
Gould, Franklin
Pierce, David
White, Andrew

Bradley, Lester
Harding, Laurie
Reilly, Harold Sr

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Daniels, Gary
Goley, Jeffrey
Judy, Jean
Porter, Marjorie
Rosenwald, Cindy
Stroud, Kathleen

Belanger, James
Coffey, James
Gargas, Carolyn
Gonzalez, Carlos
Levasseur, Nickolas
Proulx, Mark
Shaw, Barbara
Terrio, Ross

Belvin, William
Cote, David
Garrity, Patrick
Gorman, Mary
Long, Patrick
Ramsey, Peter
Silva, Peter
Thomas, Joseph

Brunelle, Michael
Cusson-Cail, Kathleen
Gidge, Kenneth
Hawkins, Kenneth
Pilotte, Maurice
Rhodes, Brian
Stepanek, Stephen

MERRIMACK

Bouchard, Candace
Frazer, June
McDonnell, John
Rice, Chip

Deloge, Helen
Hess, David
Owen, Derek
Richardson, Gary

DeStefano, Stephen
Lockwood, Priscilla
Palfrey, David
Shurtieff, Stephen

Foose, Robert
MacKay, James
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Copeland, Timothy
Ferrante, Beverly
Kappler, Lawrence
O'Connor, John
Powers, James
Sullivan, Kevin
Welch, David

Cali-Pitts, Jacqueline
DeSimone, Debra
Fesh, Robert
Lovejoy, Patricia
Pantelakos, Laura
Quandt, Matt
Tucker, Pamela

Case, Frank
DiPentima, Rich
Gould, Kenneth
Major, Norman
Perkins, Amy
Read, Robin Jr
Waddell, James

Chirichiello, Brian
Dowling, Patricia
Hoelzel, Kathleen
Norelli, Terie
Perkins, Lawrence
Schlachman, Donna
Ward, Joanne

STRAFFORD

Browne, Brendon	Domingo, Baldwin	Ginsburg, Philip	Hofemann, Roland
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Munck, Philip
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Rodeschin, Beverly
Schmidt, Andrew			

NAYS 189**BELKNAP**

Fields, Dennis	Flanders, Donald	Greemore, Robert	Malone, Robert
Pilliod, James	Simpson, Tyler	Swinford, Elaine	Worsman, Colette

CARROLL

Ahlgren, Christopher	McConkey, Mark	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Tregenza, Norman		

CHESHIRE

Byrnes, John	Cartwright, Anne	Emerson, Susan	Hawkes, Samuel
Hunt, John	Johnson, Jane	Moore, Charles	

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Brosseau, Charles	Bulis, Lyle	Ingbretson, Paul	Ladd, Rick Jr
Mirski, Paul	Simard, Paul	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Christiansen, Lars	Condra, William
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hikel, John	Hinch, Richard	Hogan, Edith
Hogan, Timothy	Holden, Frank	Hutchinson, Winfred	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	Lambert, George
LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Messier, Irene
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ohm, Bill
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Reed, Michael	Renzullo, Andrew	Robbins, David
Rowe, Robert	Scontsas, Lisa	Seidel, Carl	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	Whitehead, Randall
Willette, Robert			

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hoell, J.R.	Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	McGuire, Carol	McGuire, Dan	Reed, Dennis
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
Smith, Todd	Soltani, Tony	Winter, Steven	

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Charron, Gene
 Garcia, Marilinda
 Headd, James
 MacMahon, Bruce
 McMahon, Charles
 Packard, Sherman
 Reichard, Kevin
 Sapareto, Frank
 Smith, William
 Tremblay, Stella

Antosz, Jason
 Bettencourt, David
 Comerford, Timothy
 Garrity, James
 Itse, Daniel
 Manuse, Andrew
 Murphy, Brian
 Peckham, Michele
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Webb, James

Azarian, Gary
 Birdsell, Regina
 Davenport, Joshua
 Griffin, Mary
 Katsakiores, Phyllis
 Mauro, Donna
 Nevins, Chris
 Quandt, Marshall
 Ritter, Glenn
 Sheffert, Kenneth
 Sytek, John
 Weyler, Kenneth

Baldasaro, Alfred
 Brown, Paul
 Duarte, Joe
 Hagan, Joseph
 Kolodziej, Walter
 McKinney, Betsy
 Okerman, Richard
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tamburello, Daniel
 Wheaton, Gary

STRAFFORD

Cataldo, Sam
 Jones, Laura
 Pitre, Joseph

DeLemus, Susan
 Newton, Clifford
 Vita, Carol

Groen, Warren
 Panek, William
 Vita, Lucien

Jones, Kyle
 Parsons, Robbie
 Weeden, Michael

SULLIVAN

Bowers, Spec
 Laware, Thomas

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Smith, Steven

and the majority committee report failed.

Rep. Kurk moved the minority committee report of Ought to Pass.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 219 NAYS 110**YEAS 219****BELKNAP**

Fields, Dennis
 Millham, Alida
 Worsman, Colette

Flanders, Donald
 Pilliod, James

Greemore, Robert
 Simpson, Tyler

Malone, Robert
 Swinford, Elaine

CARROLL

Ahlgren, Christopher
 Patten, Betsey

Babson, David Jr
 Pettengill, Laurie

Fleck, Joseph
 Scala, Dino

McCarthy, Frank
 Tregenza, Norman

CHESHIRE

Byrnes, John
 Hunt, John

Cartwright, Anne
 Johnson, Jane

Emerson, Susan
 Moore, Charles

Hawkes, Samuel
 Smith, Edwin

COOS

Daugherty, Duffy
 Tholl, John Jr

Rappaport, Laurence
 Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
 Mirski, Paul

Bulis, Lyle
 Simard, Paul

Ingbreton, Paul
 Sova, Charles

Ladd, Rick Jr

HILLSBOROUGH

Avard, Kevin
 Belanger, James
 Brownrigg, Randall Jr
 Christiansen, Lars
 Doherty, Shaun
 Fredette, Robert

Balboni, Michael
 Belvin, William
 Burt, John
 Coffey, James
 Donovan, Daniel
 Gagne, Larry

Barry, J. Gail
 Boehm, Ralph
 Buxton, Michael
 Condra, William
 Drisko, Richard
 Gandia, Laura

Barry, Richard
 Brown, Kevin
 Cebrowski, John
 DeJong, Cameron
 Flanagan, Jack
 Gargas, Carolyn

Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Villeneuve, Moe

Graham, John
Hardwick, Harry
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Thomas, Joseph
Warden, Mark

Greazzo, Phil
Hikel, John
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Parison, James
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Ulery, Jordan
Whitehead, Randall

Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kreis, Kenneth Sr
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
Reed, Dennis
Smith, Molly

Cohn, Seth
Keane, Thomas
McGuire, Carol
Richardson, Jon
Smith, Todd

Giuda, J. Brandon
Kotowski, Frank
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Kappeler, Lawrence
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Fesh, Robert
Hagan, Joseph
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Garcia, Marilinda
Headd, James
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Wheaton, Gary

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Dowling, Patricia
Garrity, James
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Webb, James

STRAFFORD

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

Jones, Kyle
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Smith, Steven

NAYS 110

BELKNAP

Accornero, Harry
Tilton, Franklin

Bolster, Peter

Luther, Robert

Russell, David

CARROLL

Knox, J. David
Umberger, Karen

McConkey, Mark

Morrow, Harry

Schmidt, Stephen

CHESHIRE

Butynski, William
Lindsey, Steven
Sad, Tara

Carr, Daniel
Moore, Robert Jr
Sterling, Franklin Jr

Dwinell, Richard
Parkhurst, Henry
Tatro, Bruce

Johnsen, Gladys
Roberts, Kris
Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Gionet, Edmond
Pastor, Beatriz
Taylor, Kathleen

Benn, Bernard
Gould, Franklin
Pierce, David
White, Andrew

Bradley, Lester
Harding, Laurie
Reilly, Harold Sr

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Cusson-Cail, Kathleen
Goley, Jeffrey
Levasseur, Nickolas
Proulx, Mark
Stroud, Kathleen

Brunelle, Michael
Daniels, Gary
Gorman, Mary
Long, Patrick
Ramsey, Peter
Terrio, Ross

Campbell, David
Garrity, Patrick
Hawkins, Kenneth
Pilotte, Maurice
Rosenwald, Cindy
Twombly, Timothy

Cote, David
Gidge, Kenneth
Jeudy, Jean
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
MacKay, James
Rice, Chip

Foose, Robert
McDonnell, John
Richardson, Gary

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth
Norelli, Terie
Schlachman, Donna

DeSimone, Debra
Hoelzel, Kathleen
Pantelakos, Laura
Sullivan, Kevin

DiPentima, Rich
Lovejoy, Patricia
Powers, James

Ferrante, Beverly
Major, Norman
Read, Robin Jr

STRAFFORD

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Wall, Janet

Domingo, Baldwin
Kaen, Naida
Schmidt, Peter
Watters, David

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale

Hofemann, Roland
Pelletier, Marsha
Sprague, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Rodeschin, Beverly

and the minority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby, on a roll call vote of 219-110, it adopted the minority committee report of Ought to Pass on **HB 368-FN-L**, relative to workforce housing and the definition of community.

Rep. Kurk spoke against.

Motion failed.

REGULAR CALENDAR (CONT'D)

HB 391, relative to an optional tax credit for service-connected disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for Municipal and County Government: There are over 14,000 New Hampshire veterans receiving disability compensation for either service or non-service connected disabilities. Disabled veterans are rated anywhere from 10-100% with the great majority being between 10-30%.

VA disability is granted based on lost earning potential based on education and work experience. While a veteran may be receiving disability payment, he or she may at the same time be gainfully employed with high wages. HB 391 doesn't require the veteran to furnish certification when the disability rating goes down, as such ratings are reviewable. HB 391 could cause conflict between a 20% service connected disability and an 80% non-service connected disability: how would the assessors know the difference? If enacted, HB 391 could result in a city such as Manchester having thousands of different tax credits, requiring numerous yearly changes. As with any tax credit there is a cost shift. HB 391 doesn't address this. Vote 12-2.

Committee report adopted.

HB 396, exempting the land and buildings of Masonic temples or building associations from property taxation. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for Municipal and County Government: Under current law, the sixty-eight Masonic temples and granges can apply on a yearly basis by the April 15 deadline for tax-exempt status. The passage of HB 396 would exempt the Masons from the requirement and would result in similar groups requesting tax-exempt status. This would result in tax-shifting to already overburdened home owners and businesses. While it is important to take notice of all the fine charitable work funded and/or performed by Masons, it is equally important to note it is a male-only organization. The current religious, education, charitable, Red Cross and veterans are not limited to one gender. HB 396 is an attempt to overturn a board of tax and land appeals decision. Vote 13-2.

Committee report adopted.

HB 403-L, requiring a public hearing on certain school district warrant articles. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. James E. Coffey for the Majority of Municipal and County Government: Petitioned articles are presently well covered by existing statutes. This bill required an informational hearing only which would create an additional burden for school districts without any significant benefit. Vote 13-3.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill requires that petitioned warrant articles shall have a public hearing on budgetary impact issues before the budget committee or governing body prior to insertion into the school district warrant. This would allow a timely hearing to inform voters and give them the opportunity to research the topic and make reasonable decisions. RSA 197:6 requires petitioned warrant articles to be posted in the school warrant articles regardless of the requirements of RSA 32:5. This does not give the voters a chance to review the budgetary impact of the petitioned warrant article, especially in towns that are under RSA 40:13, optional form of meeting official ballot referenda, commonly known as SB 2. There are four possible sets of dates; regular town meeting, SB 2, March, April or May second session voting, respectively. The first session under SB 2 resembles traditional town meeting, shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays and dates adjusted respectively for April and May voting sessions. The petitioned warrant article is due the second Tuesday of January and the budget hearing must be completed by the third Tuesday. This schedule could only allow 11 days in some years to research and realize the ramifications of a petitioned warrant article, thus unfair to the involved voter.

Majority committee report adopted.

HB 409, relative to planning board members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: Currently planning board members may serve on any municipal board or commission as long as it does not result in having more than two planning board members serving on the same board or commission. The committee accepted the amendment to clarify that planning board members could serve on other boards and commissions, except on the conservation commission or other land use boards as defined in RSA 672:2, as long as not more than one planning board member is on the governing body. Also during testimony the issue of "ex officio member" was discussed and an amendment to delete certain sections where the term was used inappropriately was adopted. A grandfathering clause for those currently serving as ex officio members was included in the amendment, so no serving members would be considered illegal. Vote 15-1.

Amendment (0358h)

Amend the bill by replacing all after the enacting clause with the following:

1 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I to read as follows:

I. In the case of towns, appointed or elected members of the planning board may also serve on any other municipal board or commission ***except the conservation commission or a local land use board as defined in RSA 672:7***, provided that such multiple membership does not result in 2 planning board members serving on the ~~[same board or commission]~~ ***local governing body***.

2 Planning Board. Amend RSA 673:2 to read as follows:

673:2 Planning Board.

I.(a) In cities, the planning board shall consist of 9 members:

(1) The mayor of the city, or with the approval of the local legislative body the mayor's designee~~[-, who shall be an ex officio member];~~

(2) An administrative official of the city selected by the mayor~~[-, who shall be an ex officio member];~~

(3) A member of the city council selected by the council~~[-, who shall be an ex officio member];~~ and

(4) Six persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.

(b) Alternatively, the local legislative body in a city with a city council-city manager form of government may establish a planning board with membership as provided in paragraph I-a.

I-a. In cities with a city council-city manager form of government, the planning board may consist of the following 9 members:

(a) The city manager, or with the approval of the local legislative body the city manager's designee~~[-, who shall be an ex officio member];~~

(b) A member of the city council selected by the council~~[-, who shall be an ex officio member];~~ and

(c) Seven persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.

I-b. In towns which operate under the town council form of government, the planning board shall consist of 7 or 9 members, as determined by the local legislative body or by the municipal charter. If the planning board shall consist of 9 members, the members shall be the persons listed in paragraph I. If the planning board shall consist of 7 members, the members shall be as follows:

(a) A member of the town council or administrative official of the town selected by the town council~~[-, who shall be an ex officio member];~~ and

(b) Six persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.

II. In other towns, the planning board shall consist of 5 or 7 members as determined by the local legislative body. The membership shall be filled by one of the following procedures:

(a) The selectmen shall designate one selectman or administrative official of the town ~~[as an ex officio member]~~ and appoint 4 or 6 other persons who are residents of the town, as appropriate; or

(b) The local legislative body may decide, by majority vote at the town meeting, that planning board members shall be elected according to either the procedure in subparagraph (1) or in subparagraph (2). The official ballot shall be used on every referendum for the adoption of RSA 673:2, II(b)(1) or (2), and every subsequent rescission of such adoption pursuant to subparagraph (c). The wording on the official ballot of any referendum for the adoption of RSA 673:2, II(b)(1) or (2) shall specifically state which procedure for electing planning board members is being voted upon. Following the majority vote at town meeting, planning board members shall be elected as follows:

(1) The selectmen shall choose one selectman or administrative official of the town ~~[as an ex officio member]~~ and the remaining planning board positions shall be filled at the next regular town election pursuant to RSA 669:17. Thereafter, a planning board member shall be elected for the term provided under RSA 673:5, II; or

(2) The selectmen shall choose one selectman or administrative official of the town ~~[as an ex officio member]~~ and the remaining planning board positions shall be filled on a staggered basis at the subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed member

expires, until each member of the board is an elected member. The maximum number of elections to occur annually shall be as provided in RSA 673:5, II. When each planning board member is an elected member, such member shall be elected for the term provided in RSA 673:5, II.

(c) A local legislative body which has voted to elect planning board members may, by majority vote at town meeting, decide to rescind that action and have the planning board appointed in the manner set forth in subparagraph (a). The vote to have planning board members so appointed shall take effect upon adoption by the town meeting, and the selectmen shall forthwith appoint members in accordance with RSA 673:5. The planning board shall, however, continue in existence, and the elected members in office at the time of the town meeting vote to appoint members may continue to serve until their successors are appointed and qualified.

III. In village districts, the planning board shall consist of either 5 or 7 members as determined by the village district meeting. The district commissioners shall:

(a) Designate one district commissioner or administrative official of the district [~~as an ex officio member~~]; and

(b) Appoint 4 or 6 other persons who are residents of the village district, as appropriate.

IV. In counties in which there are located unincorporated towns or unorganized places, the planning board shall consist of 5 or 9 members. The county commissioners shall recommend appointees to the planning board, and the appointees shall be approved by the county delegation. Planning board members shall be residents of the county, and shall be evenly distributed geographically throughout the county. The membership of the planning board shall be as follows:

(a) The chairperson of the board of county commissioners or designee [~~shall be an ex officio member~~].

(b) A member of the county convention selected by the convention [~~shall be an ex officio member~~].

(c) An administrative official of the county selected by the chairperson of the board of county commissioners [~~shall be an ex officio member~~].

(d) Two or 6 persons appointed by the board of county commissioners and approved by the county convention.

(e) One or 3 alternates appointed by the board of county commissioners and approved by the county convention.

3 Heritage Commissions. Amend RSA 673:4-a, II to read as follows:

II. Each heritage commission member shall be a resident of the city or town which establishes the commission. One commission member shall be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. If there is a historic district commission, one member of this commission shall be [~~an ex officio~~] a member of the heritage commission. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the purpose of the heritage commission.

4 Terms. Amend RSA 673:5, I(a) to read as follows:

I.(a) [~~Except as provided in subparagraph (b);~~] The term of any ex officio member serving on a local land use board shall coincide with the term for that other office; [~~except that~~] the term of the administrative official appointed by the mayor shall terminate with the term of office of the mayor appointing the official, and [~~that~~] the term of the administrative official appointed by the town council, board of selectmen, or village district commissioners shall be for one year.

5 Applicability. The provisions of RSA 673:7, I, as amended by section 1 of this act, shall not apply to any current term of any person legally appointed or elected to multiple boards or commissions prior to the effective date of this act. No person thus exempted from the limitations on membership established in section 1 of this act may be reappointed or reelected to any board or commission except in conformity with the amended provisions of RSA 673:7, I.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill modifies limitations on town planning board members serving on another board or commission. This bill also corrects certain references to appointed land use board members.

Amendment adopted.

Committee report adopted and ordered to third reading.

The House recessed at 6:00 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 6:45 p.m.

REGULAR CALENDAR (CONT'D)

HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: As the law stands now, if a taxpayer does not pay property taxes when the final tax bill is due, the interest rate on the amount is 12%. Within 90 days of this due date, certified mail is sent to the taxpayer 30 days prior to a lien being placed upon the property. Once the lien is placed upon the property, the interest rate becomes 18% and a certified letter is sent to a property mortgagee of that fact. This bill as introduced set the local rates at 6% and 9% respectfully. The philosophy behind the high delinquent property tax interest rates is to ensure that the property tax bills will be among the first bills to be paid, not among the last. There are many circumstances where a taxpayer who is able to afford the tax payment may choose not to pay for almost three years to take care of other priorities. One reason to not lower the interest rate is that each unpaid property tax bill means that the other conscientious taxpayers in the town will have to dig deeper into their pockets to make up the difference. Also if the financial consequence is lessened to the proposed 6% and 9% more taxpayers would have the chance to default on their tax payments. This change would also put pressure on the cash flows of local governments, forcing them to borrow more to fund operations and increasing debt service expenditures. The committee is sympathetic to the fact that some people are unable to pay their taxes through no fault of their own. However those citizens may petition their selectmen for an abatement of all interest and, as appropriate, an abatement of their actual taxes. Vote 15-1.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Betsey Patten spoke in favor.

On a division vote, 133 members having voted in the affirmative and 176 in the negative, the committee report failed.

Rep. Jasper moved Ought to Pass.

Motion adopted and ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a voice vote, it adopted the motion of Ought to Pass on **HB 457-FN**, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

Rep. Vaillancourt spoke against.

Motion failed.

Rep. Mirski declared a conflict of interest and did not participate.

REGULAR CALENDAR (CONT'D)

HB 483-FN-L, relative to mosquito control. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy D. Copeland for Municipal and County Government: This bill, as amended, modifies existing RSA 142: A making it enabling, giving local control to towns when mosquito borne health threats of disease such as triple E and West Nile virus which may exist and don't go away. The new language states, "A threat has been in effect, or has been declared within the last 5 years." This legislation involves larviciding (which is a proven safe means of controlling the adult population by preventing the hatching of mosquitoes) on state land owned by fish and game that exists within the municipalities' boundaries. This larvicide is an environmentally safe, natural bacteria which is applied to specific pool areas to break the life cycle of the mosquito at the very beginning. The alternative to larviciding is to wait until they are adults and airborne, then spray chemical pesticides into the greater environment. It's easy to see the advantages and desirability of treating mosquitoes while in the larva stage. This legislation is the result of the state declaring a health

threat for a municipality last year, then delaying that notification to that municipality which had made an application to larvacide on fish and game property. Thirty days lapsed from that delay or notification from the state resulting in pools of mosquitoes hatching in that municipality. This is simply enabling legislation and gives municipalities local control over the health threats that may exist within their boundaries. Vote 14-1.

Amendment (0467h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Mosquito Control Policy. Amend RSA 142-A:2, VII to read as follows:

VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect, *or has previously been in effect within the last 5 years*, for the affected municipality or mosquito control district in accordance with RSA 142-A:3.

2 Mosquito Control Policy. Amend RSA 142-A:3, VI to read as follows:

VI. State agencies managing land shall allow the use of biological control agents, specifically *Bacillus thuringiensis israelensis* or *Bacillus sphaericus*, to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable law and rules as long as those wetlands and water bodies are located in municipalities or mosquito control districts where a public health threat is declared, *or has been declared within the last 5 years*, by the commissioner pursuant to RSA 141-C and when the application is to be made under a special permit issued by the department of agriculture, markets and food, division of pesticide control.

AMENDED ANALYSIS

This bill allows a municipality to commence mosquito control abatement activities on state lands where a public health threat is in effect or was in effect within the last 5 years under RSA 141-C:25. Amendment adopted.

Committee report adopted and ordered to third reading.

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sean C. Cox for the Majority of Science, Technology and Energy: Both the majority and minority agree with the spirit and purpose of this bill. We agree that current federal subsidies, incentives and mandates for corn-based ethanol are bad energy policy, bad economic policy, bad environmental policy and bad agricultural policy. Washington's policies have promoted the inefficient and expensive production of corn-based ethanol while discriminating against more environmentally-efficient alternatives such as sugar cane based ethanol. This bill seeks to ban corn-based ethanol from being sold in New Hampshire. That goal is unattainable given current federal laws, EPA rules, and regional petroleum refining capacity in New England. New Hampshire simply does not represent a large enough market to warrant its own boutique gasoline mix, and even if it did, there are currently few affordable alternatives to corn-based ethanol in the marketplace. Although the majority feels that we need to "send a message to Washington" expressing our disapproval of current corn-based ethanol policy, we did not feel that passing this (unenforceable) legislation is the proper way to send that message. We feel it is more prudent to ITL this bill, send a strongly-worded official policy letter to our congressional delegation, and perhaps follow-up in 2012 with a House Resolution on the same subject. Vote 10-4.

Rep. Beatriz Pastor for the Minority of Science, Technology and Energy: The minority of the committee shares with the majority the unanimous concern over the negative impact of corn ethanol production and of the federal mandate to use it. However, the minority believes that it is essential that the state of New Hampshire make its position crystal clear to the federal government and send a strong message to the US Congress, the producers of corn-based ethanol and their lobbyists. HB 374 conveys such a message: NH wants to get rid of corn-based ethanol. Corn-based ethanol has a higher carbon footprint than gasoline. It has raised world and US food prices by redirecting food production (corn and other grains) towards ethanol destined corn production. It reduces fuel efficiency in car engines and causes significantly impaired performance and/or damage to all combustion engines that use it. And, finally, the tax credits/subsidies that the corn ethanol industry receives, amount to an outrageous yearly amount (\$5.16 billion in 2009) of revenue loss. This money would be much better used incentivizing research and entrepreneurs for the production of better renewable clean energy alternatives.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Campbell spoke against and yielded to questions.
Rep. James Garrity spoke in favor.
Rep. Cohn requested a roll call; sufficiently seconded.

YEAS 87 NAYS 237**YEAS 87****BELKNAP**

Fields, Dennis	Flanders, Donald	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	Swinford, Elaine

CARROLL

Ahlgren, Christopher	Tregenza, Norman
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CHESHIRE

Butynski, William	Byrnes, John	Hunt, John	Johnson, Jane
Moore, Robert Jr	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy

COOS

Rappaport, Laurence	Remick, William	Tholl, John Jr
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GRAFTON

Cooney, Mary	Pierce, David	Sova, Charles
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HILLSBOROUGH

Barry, J. Gail	Belanger, James	Belvin, William	Christiansen, Lars
Cote, David	Daniels, Gary	Drisko, Richard	Gargas, Carolyn
Hawkins, Kenneth	Hikel, John	Holden, Frank	Hutchinson, Winfred
Judy, Jean	Levasseur, Nickolas	Moran, Edward	Parison, James
Pellegrino, Tony	Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert
Seidel, Carl	Shaw, Barbara	Thomas, Joseph	Vaillancourt, Steve
Villeneuve, Moe	Warden, Mark		

MERRIMACK

Blankenbeker, Lynne	McGuire, Carol	Palfrey, David	Sanborn, Laurie
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ROCKINGHAM

Allen, Mary	Birdsell, Regina	Cali-Pitts, Jacqueline	Chirichiello, Brian
Copeland, Timothy	DeSimone, Debra	Duarte, Joe	Garcia, Marilinda
Garrity, James	Gould, Kenneth	Griffin, Mary	Hoelzel, Kathleen
Kappler, Lawrence	Major, Norman	Murphy, Brian	Nevins, Chris
Read, Robin Jr	Reagan, John	Sanders, Elisabeth	Schlachman, Donna
Sedensky, John	Sytek, John	Tamburello, Daniel	Tasker, Kyle
Tucker, Pamela	Waddell, James	Ward, Joanne	Weyler, Kenneth

STRAFFORD

Kaen, Naida	Panek, William	Vita, Lucien	Wall, Janet
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SULLIVAN

Lovett, Charlene

NAYS 237**BELKNAP**

Accornero, Harry	Bolster, Peter	Greemore, Robert	Luther, Robert
Tilton, Franklin	Worsman, Colette		

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Umberger, Karen

Knox, J. David
Patten, Betsey

CHESHIRE

Carr, Daniel
Hawkes, Samuel
Parkhurst, Henry

Cartwright, Anne
Johnsen, Gladys
Roberts, Kris

Dwinell, Richard
Lindsey, Steven
Sad, Tara

Emerson, Susan
Moore, Charles
Smith, Edwin

COOS

Coulombe, Gary
Richardson, Herbert

Daugherty, Duffy
Theberge, Robert

Hatch, William
Tremblay, Marc

Merrick, Evalyn

GRAFTON

Benn, Bernard
Gionet, Edmond
Ladd, Rick Jr
Reilly, Harold Sr

Bradley, Lester
Gould, Franklin
Mirski, Paul
Simard, Paul

Brosseau, Charles
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Bulis, Lyle
Ingbretson, Paul
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Burt, John
Coffey, James
Doherty, Shaun
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McCarthy, Michael
Messier, Irene
Palmer, Stephen
Pratt, Calvin
Rhodes, Brian
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan

Balboni, Michael
Brown, Kevin
Buxton, Michael
Condra, William
Donovan, Daniel
Gandia, Laura
Gorman, Mary
Hansen, Peter
Hogan, Timothy
Krasucki, Joseph
Long, Patrick
McClarren, Donald
Murphy, Keith
Peterson, Lenette
Proulx, Mark
Robbins, David
Soucy, Connie
Summers, James
Whitehead, Randall

Baroody, Benjamin
Brownrigg, Randall Jr
Campbell, David
Cusson-Cail, Kathleen
Flanagan, Jack
Garritty, Patrick
Graham, John
Hardwick, Harry
Hopper, Gary
Kurk, Neal
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Pilotte, Maurice
Ramsey, Peter
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Willette, Robert

Barry, Richard
Brunelle, Michael
Cebrowski, John
DeJong, Cameron
Fredette, Robert
Gidge, Kenneth
Greazzo, Phil
Hinch, Richard
Infantine, William
Lambert, George
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Porter, Marjorie
Reed, Michael
Silva, Peter
Stepanek, Stephen
Twombly, Timothy

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Hess, David
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Seaworth, G. Brian
Soltani, Tony

Coffey, Jennifer
Foose, Robert
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane

Cohn, Seth
Frazer, June
Keane, Thomas
Lockwood, Priscilla
Owen, Derek
Richardson, Gary
Smith, Molly
Winter, Steven

Deloge, Helen
Giuda, J. Brandon
Kotowski, Frank
MacKay, James
Potter, Frances
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Comerford, Timothy
Ferrante, Beverly
Kolodziej, Walter

Azarian, Gary
Brown, Paul
Davenport, Joshua
Fesh, Robert
Lovejoy, Patricia

Baldasaro, Alfred
Case, Frank
DiPentima, Rich
Itse, Daniel
MacMahon, Bruce

Bates, David
Charron, Gene
Dowling, Patricia
Katsakiores, Phyllis
Manuse, Andrew

Mauro, Donna
Okerman, Richard
Perkins, Amy
Quandt, Matt
Sapareto, Frank
Sullivan, James
Welch, David

McKinney, Betsy
Packard, Sherman
Perkins, Lawrence
Reichard, Kevin
Sheffert, Kenneth
Sullivan, Kevin
Wheaton, Gary

Norelli, Terie
Pantelakos, Laura
Powers, James
Rice, Frederick
Shuler, Wyman III
Tremblay, Stella

O'Connor, John
Peckham, Michele
Quandt, Marshall
Ritter, Glenn
Smith, William
Webb, James

STRAFFORD

Browne, Brendon
Hofemann, Roland
Larsen, Kirsten
Pelletier, Marsha
Spainhower, Dale
Weeden, Michael

Cataldo, Sam
Horrigan, Timothy
Munck, Philip
Pitre, Joseph
Sprague, Dale

DeLemus, Susan
Jones, Kyle
Newton, Clifford
Roberts, Jenna
Vita, Carol

Groen, Warren
Jones, Laura
Parsons, Robbie
Schmidt, Peter
Watters, David

SULLIVAN

Bowers, Spec
Howard, Thomas
Osgood, Joe

Cloutier, John
LaCasse, Paul Sr
Rodeschin, Beverly

Cunningham, Steven
Laware, Thomas
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Smith, Steven

and the majority committee report failed.

Rep. Bettencourt moved the minority committee report of Ought to Pass.

Minority committee report adopted and ordered to third reading.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robin P. Read for Science, Technology and Energy: This bill was requested by the department of safety's emergency communications division. It requires pre-paid cell phone companies to provide to the emergency 911 system, only in emergency situations, the information in its possession as to the name and address of the person who purchased the phone. This information will assist the department in locating the person who called 911 from a pre-paid cell phone. The department testified that in many emergency situations they have difficulty obtaining this information from pre-paid cell phone companies. The department does not keep the information the companies provide. The bill includes a provision that the pre-paid cell phone companies cannot be held liable if they make a good faith effort to provide the information requested. Vote 8-6.

Amendment (0576h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Enhanced 911 System; Subscriber Information From Providers of Prepaid Cellular Telephone Service. Amend RSA 106-H by inserting after section 10 the following new section:

106-H:10-a Provision of Prepaid Telephone Subscriber Information. Each provider of prepaid commercial mobile radio service shall provide to the bureau for the purposes of helping to locate a calling party in exigent circumstances and in such format as the commissioner may require, any information in its possession related to the name, street address, city, and state of the purchaser or user of the service and the telephone number assigned to such purchaser or user sold by a provider or such provider's agent within the state of New Hampshire. This information shall be made available by the provider or reseller of such service to the bureau at the time of request by the bureau. For purposes of this section, the term "purchaser" means the end user of the service at the retail level.

II. No provider of a prepaid commercial mobile radio service shall be held liable for failure to provide any or all of the requested information if the information is not in the provider's possession and the provider has acted in good faith to comply with this section.

2 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill requires providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 229 NAYS 93**YEAS 229****BELKNAP**

Accornero, Harry
Greemore, Robert
Russell, David

Bolster, Peter
Luther, Robert
Simpson, Tyler

Fields, Dennis
Millham, Alida
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

CARROLL

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

Knox, J. David
Pettengill, Laurie

CHESHIRE

Butynski, William
Dwinell, Richard
Lindsey, Steven
Sad, Tara
Weber, Lucy

Byrnes, John
Hawkes, Samuel
Moore, Charles
Smith, Edwin

Carr, Daniel
Johnsen, Gladys
Moore, Robert Jr
Sterling, Franklin Jr

Cartwright, Anne
Johnson, Jane
Roberts, Kris
Tatro, Bruce

COOS

Coulombe, Gary
Rappaport, Laurence
Tholl, John Jr

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

GRAFTON

Benn, Bernard
Gionet, Edmond
Nordgren, Sharon
Sova, Charles

Brosseau, Charles
Gould, Franklin
Pastor, Beatriz
White, Andrew

Bulis, Lyle
Harding, Laurie
Reilly, Harold Sr

Cooney, Mary
Ladd, Rick Jr
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Belvin, William
Campbell, David
Condra, William
Donovan, Daniel
Gandia, Laura
Graham, John
Hikel, John
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Pratt, Calvin
Renzullo, Andrew
Shaw, Barbara
Stroud, Kathleen
Ulery, Jordan

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Cote, David
Drisko, Richard
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Judy, Jean
Levasseur, Nickolas
Mecheski, Holly
Pellegrino, Tony
Proulx, Mark
Rhodes, Brian
Silva, Peter
Summers, James
Villeneuve, Moe

Barry, Richard
Brownrigg, Randall Jr
Christiansen, Lars
Cusson-Cail, Kathleen
Flanagan, Jack
Goley, Jeffrey
Hardwick, Harry
Hutchinson, Winfred
Krasucki, Joseph
Long, Patrick
Messier, Irene
Pilotte, Maurice
Ramsey, Peter
Rosenwald, Cindy
Souza, Kathleen
Terrio, Ross
Whitehead, Randall

Belanger, James
Buxton, Michael
Coffey, James
Doherty, Shaun
Fredette, Robert
Gorman, Mary
Hawkins, Kenneth
Infantine, William
Kurk, Neal
McClarren, Donald
Moran, Edward
Porter, Marjorie
Reed, Michael
Rowe, Robert
Stepanek, Stephen
Thomas, Joseph

MERRIMACK

Blankenkaker, Lynne
Foose, Robert
Kotowski, Frank
Owen, Derek
Rice, Chip
Wallner, Mary Jane

Bouchard, Candace
Frazer, June
Kreis, Kenneth Sr
Palfrey, David
Richardson, Gary
Winter, Steven

Coffey, Jennifer
Hess, David
Lauer-Rago, Kathleen
Potter, Frances
Shurtleff, Stephen

Deloge, Helen
Keane, Thomas
Lockwood, Priscilla
Reed, Dennis
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Gould, Kenneth
Kolodziej, Walter
Nevins, Chris
Pantelakos, Laura
Powers, James
Reagan, John
Sapareto, Frank
Smith, William
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Cali-Pitts, Jacqueline
Davenport, Joshua
Duarte, Joe
Griffin, Mary
Lovejoy, Patricia
Norelli, Terie
Peckham, Michele
Quandt, Marshall
Rice, Frederick
Schlachman, Donna
Sullivan, James
Waddell, James
Wheaton, Gary

Baldasaro, Alfred
Case, Frank
DeSimone, Debra
Fesh, Robert
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Perkins, Amy
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, Kevin
Ward, Joanne

Bettencourt, David
Charron, Gene
DiPentima, Rich
Garrity, James
Kappler, Lawrence
Murphy, Brian
Packard, Sherman
Perkins, Lawrence
Read, Robin Jr
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Welch, David

STRAFFORD

Groen, Warren
Larsen, Kirsten
Roberts, Jenna
Wall, Janet

Hofemann, Roland
Munck, Philip
Schmidt, Peter

Horrigan, Timothy
PANEK, William
Spainhower, Dale

Kaen, Naida
Pelletier, Marsha
Sprague, Dale

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Schmidt, Andrew

Gagnon, Raymond
Lovett, Charlene
Smith, Steven

Howard, Thomas
Osgood, Joe

Laware, Thomas
Rodeschin, Beverly

**NAYS 93
BELKNAP**

Malone, Robert

Worsman, Colette

CARROLL

Ahlgren, Christopher

McConkey, Mark

Tregenza, Norman

CHESHIRE

Emerson, Susan

Hunt, John

Parkhurst, Henry

COOS

None

GRAFTON

Bradley, Lester
Simard, Paul

Ingbertson, Paul

Mirski, Paul

Pierce, David

HILLSBOROUGH

Avard, Kevin
Burt, John
Greazzo, Phil
Holden, Frank
Marcus, Bruce
Palmer, Stephen
Scontsas, Lisa
Twombly, Timothy

Balboni, Michael
Daniels, Gary
Haefner, Robert
Hopper, Gary
McCarthy, Michael
Parison, James
Seidel, Carl
Vaillancourt, Steve

Brown, Kevin
Gagne, Larry
Hogan, Edith
Lambert, George
Murphy, Keith
Peterson, Lenette
Simmons, Tammy
Warden, Mark

Brunelle, Michael
Garrity, Patrick
Hogan, Timothy
Maltz, Jonathan
Ohm, Bill
Robbins, David
Soucy, Connie
Willette, Robert

MERRIMACK

Cohn, Seth
MacKay, James
Richardson, Jon
Soltani, Tony

DeStefano, Stephen
McDonnell, John
Sanborn, Laurie

Giuda, J. Brandon
McGuire, Carol
Seaworth, G. Brian

Hoell, J.R.
McGuire, Dan
Smith, Molly

ROCKINGHAM

Azarian, Gary	Bates, David	Brown, Paul	Chirichiello, Brian
Comerford, Timothy	Ferrante, Beverly	Garcia, Marilinda	Itse, Daniel
Katsakiores, Phyllis	MacMahon, Bruce	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	Okerman, Richard	Reichard, Kevin	Sheffert, Kenneth
Sytek, John	Tasker, Kyle	Tremblay, Stella	Webb, James

STRAFFORD

Browne, Brendon	Cataldo, Sam	DeLemus, Susan	Jones, Kyle
Jones, Laura	Newton, Clifford	Parsons, Robbie	Pitre, Joseph
Vita, Carol	Vita, Lucien	Watters, David	Weeden, Michael

SULLIVAN

Bowers, Spec Cunningham, Steven LaCasse, Paul Sr
and the committee report was adopted and ordered to third reading.
Rep. DeJong declared a conflict of interest and did not participate.

HB 389-FN-L, relative to broadband infrastructure. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. William H. O'Connor for the Majority of Science, Technology and Energy: This bill would allow municipalities to bond for and build out broadband infrastructure. The majority had several problems with the bill. First, we do not believe that high-speed, inexpensive broadband access is a fundamental right. Second, allowing local governments to become competitors to private industry by building communications infrastructure would discourage private providers from expanding or upgrading their existing networks and lead to less competition and higher costs to consumers. Third, it creates an uncomfortable potential conflict of interest when a local government, which is the taxing and franchising authority over current providers, also becomes a competitor with those same providers. Fourth, the state's first broadband director was hired in November 2009 with the expectation that collaborative solutions can be found to address the needs of populations in un-served and underserved areas. FairPoint Communications has built its broadband infrastructure to 85% of its operating area with a goal to reach 95% of the state, and several smaller telephone companies serve 100% of their customers. Fifth, similar schemes in other states have had mixed results at best and in some cases, as in Burlington, Vermont, have been a financial and policy disaster. Vote 9-8.

Rep. Beatriz Pastor for the Minority of Science, Technology and Energy: This bill gives municipalities local control over broadband expansion by allowing them to bond for the purpose of building broadband infrastructure. The minority believes that universal, affordable access to high-speed internet service is essential in New Hampshire for economic development, job creation, small business growth, local services delivery, and educational opportunities. The state should allow our counties and municipalities to use open access technology to provide low cost high-speed internet access without providing broadband services themselves. This bill gives towns the freedom to manage their resources to address the needs of their people regarding internet access; and it lets voters decide on the best way to provide universal, affordable access to high-speed internet services.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Pastor and Rappaport spoke against and yielded to questions.
Reps. Panek and James Garrity spoke in favor and yielded to questions.
Rep. Manuse requested a roll call; sufficiently seconded.

YEAS 226 NAYS 86**YEAS 226****BELKNAP**

Accomero, Harry	Fields, Dennis	Flanders, Donald	Greemore, Robert
Luther, Robert	Malone, Robert	Millham, Alida	Pilliod, James
Russell, David	Simpson, Tyler	Swinford, Elaine	Tilton, Franklin
Worsman, Colette			

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

Knox, J. David
Pettengill, Laurie

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Merrick, Evalyn

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sova, Charles

Brosseau, Charles
Mirski, Paul

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Cusson-Cail, Kathleen
Flanagan, Jack
Gidge, Kenneth
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Robbins, David
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belvin, William
Buxton, Michael
Daniels, Gary
Gagne, Larry
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Stephen
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Gandia, Laura
Greazzo, Phil
Hikel, John
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Parison, James
Reed, Michael
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Brown, Kevin
Coffey, James
Drisko, Richard
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Charron, Gene
DeSimone, Debra
Fesh, Robert
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John

Allen, Mary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garrrity, James
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard

Azarian, Gary
Brown, Paul
Copeland, Timothy
Duarte, Joe
Gould, Kenneth
Kappler, Lawrence
Major, Norman
Murphy, Brian
Packard, Sherman

Baldasaro, Alfred
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele

Perkins, Amy
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Perkins, Lawrence
Reichard, Kevin
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

Quandt, Marshall
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

STRAFFORD

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Vita, Lucien

DeLemus, Susan
Larsen, Kirsten
Pitre, Joseph
Weeden, Michael

Groen, Warren
Newton, Clifford
Roberts, Jenna

Jones, Kyle
Panek, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene
Smith, Steven

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 86 BELKNAP

Bolster, Peter

CARROLL

Babson, David Jr

McConkey, Mark

CHESHIRE

Butynski, William
Lindsey, Steven
Sterling, Franklin Jr

Carr, Daniel
Parkhurst, Henry
Tatro, Bruce

Hawkes, Samuel
Roberts, Kris
Weber, Lucy

Johnsen, Gladys
Sad, Tara

COOS

Coulombe, Gary
Remick, William

Daugherty, Duffy
Theberge, Robert

Hatch, William
Tremblay, Marc

Rappaport, Laurence

GRAFTON

Benn, Bernard
Harding, Laurie
Smith, Suzanne

Bulis, Lyle
Nordgren, Sharon
White, Andrew

Cooney, Mary
Pastor, Beatriz

Gould, Franklin
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Long, Patrick
Ramsey, Peter

Campbell, David
Doherty, Shaun
Gorman, Mary
Pilotte, Maurice
Rhodes, Brian

Cebrowski, John
Fredette, Robert
Haefner, Robert
Porter, Marjorie
Rosenwald, Cindy

Condra, William
Garrity, Patrick
Levasseur, Nickolas
Pratt, Calvin
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Frazer, June
Rice, Chip
Wallner, Mary Jane

Deloge, Helen
MacKay, James
Richardson, Gary

DeStefano, Stephen
Owen, Derek
Shurtleff, Stephen

Foose, Robert
Potter, Frances
Soltani, Tony

ROCKINGHAM

Bates, David
Pantelakos, Laura

DiPentima, Rich
Powers, James

Garcia, Marilinda
Read, Robin Jr

Lovejoy, Patricia
Schlachman, Donna

STRAFFORD

Browne, Brendon
Munck, Philip
Sprague, Dale

Hofemann, Roland
Pelletier, Marsha
Wall, Janet

Horrigan, Timothy
Schmidt, Peter
Watters, David

Kaen, Naida
Spainhower, Dale

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin

and the majority committee report was adopted.

Rep. DeJong declared a conflict of interest and did not participate.

HB 496-FN, relative to radiological monitoring in nuclear emergency planning zones. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sam A. Cataldo for the Majority of Science, Technology and Energy: In its years of operation, the Seabrook Station has not had any problems in its real time monitoring, on the property or in the surrounding communities. The Seabrook Station's monitoring systems are appropriate and in compliance with Nuclear Regulatory Commission (NRC) regulations. Many of the plant's families live in the surrounding area, and since no significant data was presented to warrant the State Director of Fire Safety and Emergency Management to implement an expensive continuous real-time environmental radiological monitoring program, the committee feels that this bill is not needed. Similar bills have been introduced in two past sessions and have been found inexpedient to legislate. In addition, the committee expressed its desire to the owners of Seabrook that they voluntarily work with an institution of higher learning to possibly install a single monitor as part of a cooperative scientific research project. Vote 13-2.

Rep. Robin P. Read for the Minority of Science, Technology and Energy: The minority believes the bill is worthy of further study and should be retained by the committee. The committee heard testimony that placing radiation monitors in only a few towns within the 10 mile evacuation zone around the Seabrook Nuclear Plant would be an inexpensive and important complement to the current radiation monitoring being done by the State of Massachusetts in the Massachusetts communities within the Seabrook evacuation zone. If retained, the committee would also consider whether radiation monitors should be installed in the New Hampshire communities within the evacuation zone around the Vermont Yankee Nuclear Plant in Vernon, Vermont. The committee could also study the possibility of coordinating radiation monitoring programs with local educational institutions.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Robin Read moved Recommit, spoke in favor and yielded to questions.

Rep. James Garrity spoke against.

Rep. Robin Read requested a roll call; sufficiently seconded.

YEAS 76 NAYS 239

YEAS 76
BELKNAP

Millham, Alida

CARROLL

Babson, David Jr

CHESHIRE

Butynski, William
Johnsen, Gladys
Tatro, Bruce

Carr, Daniel
Lindsey, Steven
Weber, Lucy

Cartwright, Anne
Parkhurst, Henry

Hawkes, Samuel
Sad, Tara

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Benn, Bernard
Pastor, Beatriz

Gould, Franklin
Reilly, Harold Sr

Mirski, Paul
Smith, Suzanne

Nordgren, Sharon
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Messier, Irene
Rosenwald, Cindy

Condra, William
Gorman, Mary
Pilotte, Maurice
Whitehead, Randall

Cote, David
Infantine, William
Porter, Marjorie

Garrity, Patrick
Long, Patrick
Ramsey, Peter

MERRIMACK

Bouchard, Candace
Frazer, June
Rice, Chip

Deloge, Helen
Lockwood, Priscilla
Richardson, Gary

DeStefano, Stephen
MacKay, James
Shurtleff, Stephen

Foose, Robert
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Lovejoy, Patricia
Powers, James

DiPentima, Rich
Murphy, Brian
Read, Robin Jr

Gould, Kenneth
Norelli, Terie
Schlachman, Donna

Katsakiores, Phyllis
Pantelakos, Laura

STRAFFORD

Browne, Brendon
Roberts, Jenna
Wall, Janet

Hofemann, Roland
Schmidt, Peter
Watters, David

Horrigan, Timothy
Spainhower, Dale

Pelletier, Marsha
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 239**BELKNAP**

Accornero, Harry
Greemore, Robert
Russell, David
Worsman, Colette

Bolster, Peter
Luther, Robert
Simpson, Tyler

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Pierce, David

Brosseau, Charles
Harding, Laurie
Simard, Paul

Bulis, Lyle
Ingbretson, Paul
Sova, Charles

Cooney, Mary
Ladd, Rick Jr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Coffey, James
Doherty, Shaun
Fredette, Robert

Balboni, Michael
Belvin, William
Buxton, Michael
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Daniels, Gary
Drisko, Richard
Gandia, Laura

Barry, Richard
Brown, Kevin
Christiansen, Lars
DeJong, Cameron
Flanagan, Jack
Gargasz, Carolyn

Goley, Jeffrey
Hansen, Peter
Hinch, Richard
Hopper, Gary
Kurk, Neal
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Soucy, Connie
Summers, James
Ulery, Jordan
Willette, Robert

Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McCarthy, Michael
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Rhodes, Brian
Shaw, Barbara
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Levasseur, Nickolas
McClarren, Donald
Murphy, Keith
Parison, James
Proulx, Mark
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenkoper, Lynne
Hess, David
Kreiss, Kenneth Sr
McGuire, Dan
Richardson, Jon
Smith, Todd

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
Owen, Derek
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Keane, Thomas
McDonnell, John
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Charron, Gene
DeSimone, Debra
Fesh, Robert
Hoelzel, Kathleen
MacMahon, Bruce
McKinney, Betsy
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Itse, Daniel
Major, Norman
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Sytek, Kevin
Tucker, Pamela
Welch, David

Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garritty, James
Kappler, Lawrence
Manuse, Andrew
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Bates, David
Cali-Pitts, Jacqueline
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

STRAFFORD

Cataldo, Sam
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Kaen, Naida
Panek, William
Vita, Lucien

Groen, Warren
Larsen, Kirsten
Parsons, Robbie
Weeden, Michael

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven
and the motion failed.

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

The question now being adoption of the majority committee report of Inexpedient to Legislate.
Majority committee report adopted.

HB 337-FN-L, relative to the calculation and distribution of adequate education grants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David W. Hess for Special Committee on Education Funding Reform: This bill comprehensively addresses and revises the current statutory provisions for the state's funding of education. It accomplishes four critical objectives. First, it provides sustainability, predictability and continuity to that funding. Under this bill, no town, city or school district will receive either a greater or a lesser education grant from the state in the coming biennium than they are receiving in the current fiscal year, period. If it passes, the era of dueling spreadsheets will come to an end. This is the single most important aspect of state aid to education – for educators, school bonds and local property taxpayers. Second, this bill calculates the base cost per pupil by using empirical, realistic standards and criteria rather than the exaggerated, inflated criteria currently in law, which merely increases the total amount of state aid. The standards and criteria embodied in this bill are derived from the state department of education minimum standards as promulgated in its rules and from the federal definition of a “highly qualified” teacher. Third, as a result of the revised formula for calculating the base cost per pupil, this bill permits significantly increased targeted aid to provide increased resources for those pupils and communities which would most benefit from state aid. It retains the targeted amount for special education and English-as-a-second language students at current levels. It retains targeted funds for students eligible for the federal free and reduced lunch program, but establishes that aid at a fixed dollar amount for each such pupil and distributes that aid based upon the number of students eligible for that program and not for the entire student population in schools which contain a certain percentage of such eligible students. This bill also substantially increases fiscal capacity disparity aid to our most disadvantaged communities. In total, this bill increases the aggregate targeted aid from approximately 25% of total state aid to almost 40%. Fourth and finally, this bill eliminates donor towns. In conclusion, this bill accomplishes all of these objectives without increasing the aggregate state appropriation for education. Vote 12-3.

Amendment (0593h)

Amend the bill by replacing all after the enacting clause with the following:

1 Adequate Education; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions. In this section:

I. “Average daily membership in residence” or “ADMR” means the average daily membership in residence of pupils in kindergarten through grade 12, as defined in RSA 189:1-d, IV of the second school year preceding the year in which the calculation is made, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar year.

II. “Commissioner” means the commissioner of the department of education.

III. “Department” means the department of education.

IV. “Determination year” means the fiscal year that was 3 years prior to the fiscal year for which aid is to be determined. Unless otherwise indicated, determination year data shall be used to calculate aid.

V. “Educationally disabled child” or “educationally disabled pupil” shall mean “educationally disabled child” as defined in RSA 186-C:2, I.

VI. “English language learner” means a child who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who is receiving regularly scheduled English language instruction.

VII. “Pupils eligible for a free or reduced-price meal” means pupils in kindergarten through grade 12 who are eligible for the federal free or reduced-price meal program.

VIII. “School district” means school district as defined in RSA 194:1 and shall include cooperative school districts as defined in RSA 195:1, I.

2 Adequate Education; Base Cost Per Pupil. RSA 198:40-a is repealed and reenacted to read as follows:

198:40-a Adequate Education; Base Cost Per Pupil.

I. The commissioner shall determine the base cost per pupil of the opportunity for an adequate education in each school district using the most recent statewide salary data available, divided into quartiles, as follows:

(a) (1) The average of the 3rd and 4th quartiles of salary for a teacher possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(2) For a teacher teaching art, music, world languages, media/technology, health, or physical education, multiply the amount determined under subparagraph (a)(1) by .20.

(b) The average of the 3rd and 4th quartiles of salary for a principal possessing at least a master's degree and 3 years of educator experience, multiplied by 1.33, then multiply the product by 1.05.

(c) The average of the 3rd and 4th quartiles of salary for a guidance counselor possessing at least a master's degree, multiplied by 1.33, then multiply the product by 1.05.

(d) The average of the 3rd and 4th quartiles of salary for a library/media specialist possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(e) The average of the 3rd and 4th quartiles of salary for a technology coordinator possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(f) The average of the 3rd and 4th quartiles of salary for a reading specialist possessing at least a master's degree at step 2 of the teacher salary schedule for that position, multiplied by 1.33, then multiply the product by 1.05.

(g) The average of the 3rd and 4th quartiles of salary for an administrative assistant, multiplied by 1.33, then multiply the product by 1.05.

(h) The average of the 3rd and 4th quartiles of salary for a custodian, multiplied by 1.33, then multiply the product by 1.05.

II. In each biennium, the commissioner shall calculate the base cost per pupil of the opportunity for an adequate education in each school district as the sum of the following:

(a) (1) For teachers of pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(2) For teachers of pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(3) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the amount determined in subparagraph I(a)(2).

(4) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the amount determined in subparagraph I(a)(2).

(b) For principals, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for principals determined in subparagraph I(b).

(c) (1) For guidance counselors for pupils in kindergarten through grade 8, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(2) For guidance counselors for pupils in grades 9 through 12, divide the ADMR of pupils in the municipality in grades 9 through 12 by 300, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(d) For library/media specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for library/media specialists determined in subparagraph I(d).

(e) For technology coordinators, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 1,200, then multiply the result by the salary for technology coordinators determined in subparagraph I(e).

(f) For reading specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for reading specialists determined in subparagraph I(f).

(g) For administrative assistants, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for administrative assistants determined in subparagraph I(g).

(h) For custodians, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for custodians determined in subparagraph I(h).

(i) For instructional materials, multiply the ADMR of pupils in the municipality in kindergarten through grade 12 by \$130.

(j)(1) For technology costs for pupils in kindergarten through grade 8, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by \$25.

(2) For technology costs for pupils in grades 9 through 12, multiply the ADMR of pupils in the municipality in grades 9 through 12 by \$65.

(k) For transportation costs, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by \$304.

III. In addition to the base cost calculated under paragraphs I and II:

(a) An additional \$1,725 for each pupil who is in kindergarten through grade 12, who is eligible for the federal free and reduced-price meal program, and who attends a public school in which at least 12 percent of pupils reported in the school's ADMR in the determination year are eligible for the federal free and reduced-price meal program.

(b) An additional \$675 for each pupil reported in the public school's ADMR in the determination year who is an English language learner and who is receiving English language instruction.

(c) An additional \$1,856 for each pupil reported in the public school's ADMR in the determination year who is receiving special education.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be the cost of the opportunity for an adequate education in each year of the biennium.

(b) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the total amount of funds that have been allocated for each school within its jurisdiction during the fiscal year based on the sum of the school district's adequate education grant amount plus the amount available to the school district from the education tax. In addition, the department shall furnish to each municipality a report showing the municipality's cost of an adequate education sorted by a pupil's municipality of residence.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

3 Adequate Education; Provisions for Grants to Municipalities. RSA 198:40-b is repealed and reenacted to read as follows:

198:40-b Provisions for Grants to Municipalities. Each fiscal year, the commissioner of the department of education shall determine if a municipality is scheduled to receive a total education grant which is less than the total education grant received in the fiscal year ending June 30, 2011, and shall disburse to such municipality an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

4 Adequate Education; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to read as follows:

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each fiscal year the department shall provide fiscal capacity disparity aid to a municipality's school districts as follows:

(a) The department of revenue administration shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles based on equalized valuation per pupil. The quartile containing municipalities with the lowest equalized valuation per pupil shall then be divided in half.

(b) A municipality with an equalized valuation per pupil in the lower half of the lowest quartile and which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$3,360 multiplied by the municipality's average daily membership in residence.

(c) A municipality with an equalized valuation per pupil in the upper half of the lowest quartile which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$2,100 multiplied by the municipality's average daily membership in residence.

II. Aid under this section shall be distributed pursuant to RSA 198:42.

III. In this section:

(a) "Equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's average daily membership in residence, as defined in RSA 189:1-d for the determination year, provided that no kindergarten pupil shall count as more than ½ day attendance per calendar day.

(b) "Median family income" means the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce, as of October 1 preceding the beginning of the biennium for which aid is to be determined.

5 Adequate Education; Determination of Grants; Excess Tax. Amend the section heading in RSA 198:41 and RSA 198:41, I-II to read as follows:

198:41 Determination of *Education* Grants [~~and Excess Tax~~].

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the *total* education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education [~~property~~] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year, and from such amount; and

(c) Add the fiscal capacity disparity aid pursuant to RSA 198:40-c.

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the [~~adequate~~] *total* education grant for each municipality as the lesser of the 2 following calculations:

(a) The amount calculated in accordance with paragraph I of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the education [~~property~~] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

6 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:46 to read as follows:

[~~Excess Education Property Tax Payment~~]

Local Control and Alternative Kindergarten Programs

7 Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, [RSA 198:46;] and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

8 Commissioner's Warrant. Amend RSA 76:8, II to read as follows:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts [~~and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund~~]. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

9 Joint Legislative Oversight Committee on Accountability for an Adequate Education.

I. (a) There is hereby established the joint legislative oversight committee on accountability for an adequate education. The members of the committee shall be as follows:

(1) Three members of the house of representatives, which shall include 2 members of the house education committee and one member of the house finance committee, appointed by the speaker of the house of representatives.

(2) Three members of the senate, which shall include 2 members of the senate education committee and one member of the senate finance committee, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

II. The committee shall review and study the assessment and assistance methods, reporting requirements, and other methods of accountability presently being used by the department of education and local school districts to determine whether such methods, programs, and standards will ensure the delivery of an adequate education as set forth in RSA 193-E:2-a.

III. Following a public hearing, the committee shall report its findings and recommendations concerning the sufficiency of existing statutory law to provide accountability for the delivery of the opportunity for an adequate education as defined in RSA 193-E:2-a, and the possible need for additional legislation, to the governor, the speaker of the house of representatives, the president of the senate, and the state librarian no later than November 15, 2011.

10 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b) to read as follows:

(b) For any chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay ~~[tuition]~~ **the greater of \$5,450 or the sum of \$2,000 plus the amount calculated** pursuant to RSA 198:40-a ~~[and RSA 198:40-e]~~ directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school.

11 References Amended. Amend the following RSA sections by replacing “statewide education property tax” or “education property tax” or “education property taxes” with “education tax” or “education taxes,” as the context dictates: RSA 76:8, I; the introductory paragraph in RSA 198:57, IV, and RSA 198:57, VI(a).

12 Repeal. The following are repealed:

I. RSA 198:46, relative to excess education tax payments.

II. RSA 198:47, relative to forms used for the reporting and remitting of excess education tax payments.

III. RSA 198:39, I(g), relative to excess education tax payments deposited into the education trust fund.

13 Effective Date. This act shall take effect July 1, 2011 at 12:01 a.m.

AMENDED ANALYSIS

This bill:

I. Determines the per pupil cost of the opportunity for an adequate education which includes aid distributed to schools based on the number of pupils eligible to receive special education, or eligible for a free or reduced-price lunch, or who are English language learners.

II. Provides fiscal capacity disparity aid, in addition to aid for the cost of the opportunity for an adequate education, based on a municipality’s equalized valuation, including utilities, per pupil and median family income.

III. Provides that a municipality which is scheduled to receive an adequate education grant in a fiscal year which is less than the grant such municipality received in the 2011 fiscal year shall receive an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

IV. Repeals the statutory provisions requiring that excess education tax payments be remitted to the department of revenue administration thereby permitting municipalities to retain any excess education tax revenues.

V. Establishes a joint legislative oversight committee on accountability for an adequate education.

VI. Provides that the state shall pay the greater of \$5,450 or the sum of \$2,000 plus the amount calculated under RSA 198:40-a to chartered public school pupils.

MOTION TO SPECIAL ORDER

Rep. Bettencourt moved that **HB 337-FN-L**, relative to the calculation and distribution of adequate education grants, be made a Special Order to Thursday, March 17, 2011 as close to 10:00 a.m. as possible.

Rep. Bettencourt spoke in favor.

Motion adopted.

MOTION TO SPECIAL ORDER

Rep. Goley moved that the remaining bills on today’s calendar be made Special Orders to Thursday, March 17, 2011 in their Regular Calendar order.

Rep. Goley spoke in favor.

Rep. Jasper spoke against and yielded to questions.

On a division vote, 87 members having voted in the affirmative and 224 in the negative, the motion failed.

MOTION TO SPECIAL ORDER

Rep. Brunelle moved that **HB 231-FN**, relative to payment of state retiree medical benefits for spouses and dependents, be made a Special Order to Thursday, March 17, 2011.

The Speaker ruled the motion out of order.

REGULAR CALENDAR (CONT'D)

HB 231-FN, relative to payment of state retiree medical benefits for spouses and dependents.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William B. Smith for the Majority of Special Committee on Public Employee Pensions Reform: In order to help balance the budget in a fair and equitable manner, HB 231, as amended by the committee, requires the commissioner of the department of administrative services to change the insurance benefit structure for retired state employees in order to save about \$10 million a year in general fund costs by streamlining the benefit package. While the governor's budget proposes to increase monthly premium payments for retirees under 65 from the current \$65 per month to \$100 per month, HB 231, as amended, retains their current \$65 per month payment. Those 65 and over will continue to pay nothing toward their health insurance plan. The majority of the committee believes this change appropriately balances maintaining health care coverage for retirees with the state's need to balance its budget and asking all parties to participate in the challenge of bringing spending in line with state revenues. Vote 8-4.

Rep. Stephen J. Shurtleff for the Minority of Special Committee on Public Employee Pensions Reform: The first several versions of this bill asked that our most vulnerable population, seniors on fixed incomes already facing all the same increased costs as we do, pay a significant amount of their modest incomes to pay for a benefit they were promised and are owed. As the committee learned, the average pension for a Group I retiree is only \$11,000 a year. The first several amendments met with bipartisan resistance and for good reason. Even in its final version, this bill insufficiently funds retiree health care by approximately 14% (all funds) in SFY 2012, and by 20% in SFY 2013. It does not take into account the fact that 1,000 to 2,000 current state employees may enter retirement within the biennium. If 10% enter retirement in the first year of the biennium, the funding will be 21% below the state's current commitment and 33% below if another 10% retired in the second year. In whole, this means that potentially more than \$53m in health care cuts will be shifted onto less than 1/10th of the one percent of the population – those who faithfully served the citizens of New Hampshire for decades, worked for and earned this benefit, and did not look for a handout instead. There is no longer any question as to whether workers were promised this benefit in writing, as employment recruitment material was provided to the committee which clearly stated that they could continue their current health care in retirement and that it would be provided by the state, "at no cost to you." It is not these workers' fault that budget writers did not, for more than twenty years, save the revenue it needed to fund future retiree health care costs. In fact, in the past three years alone, more than \$60m of surplus funds raised for healthcare were returned to the general fund to pay for other state expenses. The bill's proposed cuts effectively put retirees significantly into harm's way. The ramifications of which are yet to be known but will surely impact local communities through downshifting caused by retirees needing local assistance which they otherwise may not require. Our state retirees already "share the pain" of skyrocketing health costs, increased fuel costs and other effects of this recession. We should not place on the shoulders of loyal state employees this unfair and unequal tax. This bill breaks the state's word by intentionally underfunding the cost of the benefit by tens of millions of dollars thus, as the sponsor said, turning a Cadillac plan into a Chevrolet plan. The Chevrolet means less benefits and higher out of pocket costs for state retirees – even those already paying up to \$130/month for a benefit previously promised as fully paid. There is a lawsuit challenging that breach of contract and more lawsuits are expected if HB 231 as amended becomes law. On the day the committee finished its work on this bill, a fifth and final amendment was introduced and voted on in the same day and within hours of introduction. The amendment was substantial and the public was not allowed to provide any public input. Our retirees earned this benefit and deserve better from New Hampshire.

Majority Amendment (0642h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to payment of medical benefits for state retirees, their spouses, and dependents.

Amend the bill by replacing all after the enacting clause with the following:

1 State Retiree Medical Benefit for Retiree, Spouse, and Dependents. Amend RSA 21-I:30, I to read as follows:

1. The state shall pay a premium *toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption* for:

(a) Each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and

(b) Subject to the funding limitation under paragraph I-a, each retired employee, as defined in paragraph II of this section, and his or her spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living[~~toward group hospitalization; hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption~~].

I-a. The total cost to the general fund for the benefit provided in subparagraph I(b) shall not exceed \$27.5 million, including the administrative costs of the department, in each fiscal year of a biennium. If in any calendar year the total general fund cost of the retiree medical benefit is projected to exceed that amount, the commissioner of the department of administrative services shall, with the prior approval of the fiscal committee of the general court, adjust the plan design of the group hospitalization, hospital medical care, surgical care and other medical benefits plan or the self-funded alternative to reduce the cost of the benefit to that amount.

I-b. Funds appropriated for [this] the purpose described in this section shall not be transferred or used for any other purpose.

2 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill provides that the payment by the state of the premium for the medical benefit for state retirees, their spouses, and dependents shall be subject to a limit on total state general fund cost. Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Shurtleff spoke against and yielded to questions.

Reps. Soltani, Horrigan, Baroody, White, Pierce and DeStefano spoke against.

Rep. Kurk spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 188 NAYS 120

YEAS 188

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Pilliod, James
Simpson, Tyler	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	McConkey, Mark
Marrow, Harry	Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John	Dwinell, Richard	Hunt, John	Moore, Charles
Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr	

COOS

Daugherty, Duffy	Rappaport, Laurence
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GRAFTON

Brosseau, Charles	Bulis, Lyle	Gionet, Edmond	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sova, Charles	

HILLSBOROUGH

Balboni, Michael	Barry, J. Gail	Barry, Richard	Belanger, James
Belvin, William	Brown, Kevin	Burt, John	Cebrowski, John
Coffey, James	Condra, William	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Flanagan, Jack	Gagne, Larry	Gargas, Carolyn	Graham, John

Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Parison, James
Reed, Michael
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Hansen, Peter
Hinch, Richard
Hopper, Gary
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Summers, James
Ulery, Jordan
Whitehead, Randall

Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
LeBrun, Donald
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Robbins, David
Simmons, Tammy
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Cohn, Seth
Kotowski, Frank
McGuire, Carol
Smith, Molly

Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Smith, Todd

Hoell, J.R.
Lauer-Rago, Kathleen
Sanborn, Laurie

Keane, Thomas
McDonnell, John
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Comerford, Timothy
Ferrante, Beverly
Griffin, Mary
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Wheaton, Gary

Allen, Mary
Bettencourt, David
Davenport, Joshua
Fesh, Robert
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Dowling, Patricia
Garcia, Marilinda
Itse, Daniel
MacMahon, Bruce
Murphy, Brian
Packard, Sherman
Sanders, Elisabeth
Smith, William
Tasker, Kyle
Welch, David

Baldasaro, Alfred
Brown, Paul
Duarte, Joe
Garrity, James
Kappler, Lawrence
Major, Norman
Nevins, Chris
Reichard, Kevin
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Browne, Brendon
Jones, Kyle
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Pitre, Joseph

DeLemus, Susan
Larsen, Kirsten
Vita, Carol

Groen, Warren
Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

Laware, Thomas

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BELKNAP

Millham, Alida

Russell, David

Swinford, Elaine

CARROLL

Babson, David Jr

Knox, J. David

McCarthy, Frank

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Johnsen, Gladys
Roberts, Kris

Cartwright, Anne
Johnson, Jane
Sad, Tara

Emerson, Susan
Lindsey, Steven
Tatro, Bruce

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Tremblay, Marc

GRAFTON

Benn, Bernard
Harding, Laurie
Smith, Suzanne

Bradley, Lester
Nordgren, Sharon
White, Andrew

Cooney, Mary
Pastor, Beatriz

Gould, Franklin
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Garrity, Patrick
Infantine, William
McCarthy, Michael
Porter, Marjorie
Rosenwald, Cindy

Boehm, Ralph
Cote, David
Gidge, Kenneth
Lambert, George
McGuinness, Sean
Proulx, Mark
Shaw, Barbara

Brunelle, Michael
Fredette, Robert
Goley, Jeffrey
Levasseur, Nickolas
Messier, Irene
Ramsey, Peter
Souza, Kathleen

Buxton, Michael
Gandia, Laura
Gorman, Mary
Long, Patrick
Pilotte, Maurice
Rhodes, Brian
Stroud, Kathleen

MERRIMACK

Bouchard, Candace
Foose, Robert
MacKay, James
Reed, Dennis
Shurtleff, Stephen

Coffey, Jennifer
Frazer, June
Owen, Derek
Rice, Chip
Soltani, Tony

Deloge, Helen
Giuda, J. Brandon
Palfrey, David
Richardson, Gary
Wallner, Mary Jane

DeStefano, Stephen
Lockwood, Priscilla
Potter, Frances
Richardson, Jon

ROCKINGHAM

Cali-Pitts, Jacqueline
DiPentima, Rich
Pantelakos, Laura
Quandt, Marshall
Sullivan, Kevin

Charron, Gene
Gould, Kenneth
Perkins, Amy
Quandt, Matt
Waddell, James

Copeland, Timothy
Lovejoy, Patricia
Perkins, Lawrence
Read, Robin Jr
Webb, James

DeSimone, Debra
Norelli, Terie
Powers, James
Schlachman, Donna

STRAFFORD

Hofemann, Roland
Panek, William
Spainhower, Dale

Horrigan, Timothy
Pelletier, Marsha
Sprague, Dale

Kaen, Naida
Roberts, Jenna
Wall, Janet

Munck, Philip
Schmidt, Peter
Watters, David

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

LaCasse, Paul Sr

Lefebvre, Benjamin

and the majority committee report was adopted and ordered to third reading.

Rep. Lars Christiansen declared a conflict of interest and did not participate.

MOTION TO PRINT DEBATE

Rep. Patrick Garrity moved that the debate on **HB 231-FN**, relative to payment of medical benefits for state retirees, their spouses, and dependents, be printed in the Permanent Journal.

Rep. Patrick Garrity spoke in favor.

Motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Carol McGuire moved that the House reconsider its action whereby, on a roll call vote of 188-120, it adopted the majority committee report of Ought to Pass with Amendment on **HB 231-FN**, relative to payment of medical benefits for state retirees, their spouses, and dependents.

Rep. Carol McGuire spoke against.

On a division vote, 93 members having voted in the affirmative and 215 in the negative, the motion failed.

Rep. Lars Christiansen declared a conflict of interest and did not participate.

REGULAR CALENDAR (CONT'D)

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel J. Sullivan for Special Committee on Public Employee Pensions Reform: The amended bill allows the out of state purchase of service credits in the New Hampshire retirement system at a rate determined by the system's actuaries and upon approval by the board of trustees. The actuaries will base the purchase price in such a way that the employee is responsible for all actuarial costs and any fees, and the system is made whole. Vote 6-5.

Amendment (0624h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to determining the full actuarial cost for purchasing service credit in the retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Membership; Prior Service Credit; Cost of Purchase. Amend RSA 100-A:3, VI(b) to read as follows:

(b) In the case of prior service credit for time served as a member for which the member's accumulated contributions have been withdrawn, the amount of creditable service purchased may be the full length of service relating to the withdrawn contributions or a partial share of such service. The amount determined by the actuary to reinstate full or partial service credit shall be the amount of withdrawn contributions, but not less than one month's contributions multiplied by the ratio of the service credit to be purchased to the full length of service relating to the withdrawn contributions, with this amount adjusted for interest from the date of withdrawal to the date of payment based on the interest rates in effect for each fiscal year. ~~[The amount determined by the actuary to purchase prior service credit related to Peace Corps and AmeriCorps service shall be computed under RSA 100-A:4, VIII.]~~ For ~~[all other]~~ **any other** prior service credit ***purchase*** the amount determined by the actuary shall be the ~~[product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought]~~ ***payment of the full accrued actuarial cost to the system. The full actuarial cost of service credit purchases shall be determined by the actuary based on methods and assumptions recommended by the actuary and approved by the board of trustees, and shall include an interest rate 2 percentage points less than either the assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate shall not be less than zero.***

2 Membership; Cost of Prior Service Credit. Amend RSA 100-A:3, VI(d)(1) to read as follows:

(d)(1) In the case of an employer which through its own fault, and not the fault of the employee, failed to enroll an eligible employee at the time such employee became eligible for membership in this retirement system or a predecessor system, the employer and not the employee shall pay the cost of the actuary's statement obtained under this subparagraph. The actuary's statement shall be based on the ~~[product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought]~~. In addition, if such employee has not received final approval of the board before July 1, 1989, to receive credit for such service, the employer shall pay 1/2 of the amount determined by the actuary and the employee shall pay 1/2] ***payment of the full accrued actuarial cost to the system as determined according to RSA 100-A:3, VI(b).*** Upon payment, and with the approval of the board, the member shall receive credit for prior service. The amount paid by the employee for prior service credit under this subparagraph shall be credited to the member annuity savings fund, and the amount paid by the employer shall be credited to the state annuity accumulation fund.

3 Creditable Service; Armed Forces Service; Cost of Prior Service Credit. Amend RSA 100-A:4, VI(b) to read as follows:

(b) Credit for active service in the armed services shall not be made until the member has paid either in lump sum or, if permitted by the board of trustees, by installment deductions from pay from an employer. The actuary's statement shall be ~~[the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect~~

with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought] *based on the payment of the full accrued actuarial cost to the system as determined according to RSA 100-A:3, VI(b).*

4 Service Credit; Peace Corps; AmeriCorps. Amend RSA 100-A:4, VIII to read as follows:

VIII. Any employee, teacher, permanent policeman, or permanent fireman who has completed at least 5 years of membership service and who terminates his or her employment in order to enter directly into the Peace Corps or AmeriCorps, shall be entitled to service credit for the period of such Peace Corps or AmeriCorps service, provided he or she again becomes employed within a year after the termination of such service and provided further that he or she elects to make, and makes while in active service and within a period of time equal to 3 times the length of time of such service, but not more than 5 years, all payments of the full actuarial cost to the system. The full actuarial cost of service credit purchases under this paragraph shall be determined by the actuary based on methods and assumptions recommended by the actuary and approved by the board of trustees *as provided in RSA 100-A:3, VI(b)*. The member may be required to prepay all or part of the actuarial calculation fee, as determined by the board. Credit shall not be granted until the active member has fully paid for such service credit in a lump sum or by installment payments as permitted by the board. The member's payment shall be credited to the member annuity savings fund. The amount of service credit purchased under this paragraph shall not exceed the least of (a) 2 years or (b) the member's actual period of Peace Corps and AmeriCorps service or (c) 5 years minus the period of nonqualified service credit purchased by the member pursuant to former RSA 100-A:4, VII. Creditable service purchased under this paragraph shall not be used for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30, RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill establishes a uniform method for determining the full actuarial cost of purchasing service credit in the retirement system, including out-of-state service.

Rep. Hawkins spoke against.

Rep. Shurtleff spoke in favor and yielded to questions.

Rep. Carol McGuire requested a roll call; sufficiently seconded.

YEAS 88 NAYS 215

YEAS 88 BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel
Johnsen, Gladys
Sad, Tara

Emerson, Susan
Lindsey, Steven
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry

Hunt, John
Roberts, Kris

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Tremblay, Marc

Merrick, Evalyn

Remick, William

GRAFTON

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Bradley, Lester
Pastor, Beatriz
White, Andrew

Cooney, Mary
Pierce, David

Harding, Laurie
Reilly, Harold Sr

HILLSBOROUGH

Baroody, Benjamin
Cote, David

Brunelle, Michael
Gandia, Laura

Buxton, Michael
Garritty, Patrick

Campbell, David
Gidge, Kenneth

Goley, Jeffrey
McCarthy, Michael
Rhodes, Brian

Gorman, Mary
Porter, Marjorie
Rosenwald, Cindy

Levasseur, Nickolas
Proulx, Mark
Shaw, Barbara

Long, Patrick
Ramsey, Peter

MERRIMACK

Bouchard, Candace
Foose, Robert
Owen, Derek
Shurtleff, Stephen

Cohn, Seth
Frazer, June
Potter, Frances
Soltani, Tony

Deloge, Helen
Lockwood, Priscilla
Rice, Chip
Wallner, Mary Jane

DeStefano, Stephen
MacKay, James
Richardson, Gary

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Powers, James
Shuler, Wyman III

Copeland, Timothy
Pantelakos, Laura
Quandt, Matt
Waddell, James

DiPentima, Rich
Perkins, Amy
Read, Robin Jr

Dowling, Patricia
Perkins, Lawrence
Schlachman, Donna

STRAFFORD

Browne, Brendon
Pelletier, Marsha
Sprague, Dale

Hofemann, Roland
Roberts, Jenna
Wall, Janet

Horrigan, Timothy
Schmidt, Peter
Watters, David

Kaen, Naida
Spainhower, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

NAYS 215

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Tilton, Franklin

Bolster, Peter
Luther, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Malone, Robert
Simpson, Tyler

Flanders, Donald
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

CHESHIRE

Butynski, William
Johnson, Jane
Sterling, Franklin Jr

Byrnes, John
Moore, Charles
Tatro, Bruce

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Ladd, Rick Jr

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Simard, Paul

Ingbertson, Paul
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Belvin, William
Cebrowski, John
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Hansen, Peter

Barry, J. Gail
Boehm, Ralph
Coffey, James
DeJong, Cameron
Flanagan, Jack
Graham, John
Hardwick, Harry

Barry, Richard
Brown, Kevin
Condra, William
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth

Belanger, James
Burt, John
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hikel, John

Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ohm, Bill
Peterson, Lenette
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Hogan, Timothy
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Palmer, Stephen
Pilotte, Maurice
Scontsas, Lisa
Soucy, Connie
Summers, James
Vaillancourt, Steve

Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Parison, James
Reed, Michael
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Keane, Thomas
McDonnell, John
Reed, Dennis
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Smith, Todd

Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Duarte, Joe
Garrity, James
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Okerman, Richard
Ritter, Glenn
Smith, William
Tasker, Kyle
Welch, David

Allen, Mary
Bettencourt, David
Comerford, Timothy
Ferrante, Beverly
Gould, Kenneth
Kappler, Lawrence
MacMahon, Bruce
Murphy, Brian
Packard, Sherman
Sanders, Elisabeth
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Fesh, Robert
Griffin, Mary
Katsakiores, Phyllis
Major, Norman
Nevins, Chris
Reichard, Kevin
Sedensky, John
Sullivan, Kevin
Ward, Joanne
Wheaton, Gary

Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
O'Connor, John
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Webb, James

STRAFFORD

Cataldo, Sam
Jones, Laura
Panek, William
Vita, Lucien

DeLemus, Susan
Larsen, Kirsten
Parsons, Robbie
Weeden, Michael

Groen, Warren
Munck, Philip
Pitre, Joseph

Jones, Kyle
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
and the committee amendment failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

The question now being adoption of the motion of Ought to Pass.
Rep. Hawkins spoke in favor.
Rep. White requested a roll call; sufficiently seconded.

YEAS 229 NAYS 75

YEAS 229

BELKNAP

Accornero, Harry
Greenmore, Robert
Pilliod, James
Worsman, Colette

Bolster, Peter
Luther, Robert
Simpson, Tyler

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

CHESHIRE

Butynski, William
Emerson, Susan
Moore, Charles
Tatro, Bruce

Byrnes, John
Hawkes, Samuel
Moore, Robert Jr

Cartwright, Anne
Hunt, John
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Richardson, Herbert

Theberge, Robert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sova, Charles

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Balboni, Michael
Belvin, William
Cebrowski, John
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Messier, Irene
Ohm, Bill
Peterson, Lenette
Scoutsas, Lisa
Soucy, Connie
Summers, James
Vaillancourt, Steve

Barry, J. Gail
Boehm, Ralph
Coffey, James
DeJong, Cameron
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Moran, Edward
Palmer, Stephen
Reed, Michael
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Brown, Kevin
Condra, William
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McClarren, Donald
Murphy, Keith
Parison, James
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Belanger, James
Burt, John
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Smith, Todd

Foose, Robert
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian
Wallner, Mary Jane

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Shurtleff, Stephen
Winter, Steven

Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Duarte, Joe
Garrity, James
Itse, Daniel
Lovejoy, Patricia

Allen, Mary
Bettencourt, David
Comerford, Timothy
Ferrante, Beverly
Gould, Kenneth
Kappler, Lawrence
MacMahon, Bruce

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Fesh, Robert
Griffin, Mary
Katsakiores, Phyllis
Major, Norman

Baldasaro, Alfred
Brown, Paul
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew

Mauro, Donna
O'Connor, John
Reichard, Kevin
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

Murphy, Brian
Okerman, Richard
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

Nevins, Chris
Packard, Sherman
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Waddell, James
Weyler, Kenneth

Norelli, Terie
Pantelakos, Laura
Sanders, Elisabeth
Smith, William
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

STRAFFORD

Cataldo, Sam
Jones, Laura
Panek, William
Vita, Lucien

DeLemus, Susan
Larsen, Kirsten
Parsons, Robbie
Wall, Janet

Groen, Warren
Munck, Philip
Pitre, Joseph
Watters, David

Jones, Kyle
Newton, Clifford
Vita, Carol
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 75

BELKNAP

Russell, David

CARROLL

None

CHESHIRE

Carr, Daniel
Roberts, Kris

Johnsen, Gladys
Sad, Tara

Lindsey, Steven
Weber, Lucy

Parkhurst, Henry

COOS

Coulombe, Gary
Tremblay, Marc

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Benn, Bernard
Pastor, Beatriz

Cooney, Mary
Pierce, David

Harding, Laurie
Smith, Suzanne

Nordgren, Sharon
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
McCarthy, Michael
Proulx, Mark
Shaw, Barbara

Brunelle, Michael
Gandia, Laura
Gorman, Mary
McGuinness, Sean
Ramsey, Peter

Buxton, Michael
Garrity, Patrick
Levasseur, Nickolas
Pilotte, Maurice
Rhodes, Brian

Campbell, David
Gidge, Kenneth
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Rice, Chip

Cohn, Seth
MacKay, James
Richardson, Gary

Deloge, Helen
Owen, Derek
Soltani, Tony

DeStefano, Stephen
Potter, Frances

ROCKINGHAM

Cali-Pitts, Jacqueline
Perkins, Amy
Read, Robin Jr

Copeland, Timothy
Perkins, Lawrence
Schlachman, Donna

DeSimone, Debra
Powers, James

DiPentima, Rich
Quandt, Matt

STRAFFORD

Browne, Brendon
Pelletier, Marsha
Sprague, Dale

Hofemann, Roland
Roberts, Jenna

Horrigan, Timothy
Schmidt, Peter

Kaen, Naida
Spainhower, Dale

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin
and the motion was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 229-75, it adopted the motion of Ought to Pass on **HB 461-FN**, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.

Rep. Bettencourt spoke against.

Motion failed.

REGULAR CALENDAR (CONT'D)

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. **OUGHT TO PASS.**

Rep. William B. Smith for Special Committee on Public Employee Pensions Reform: The majority believes that public employers should be responsible for benefits in excess of 125% of the average pay of the highest three years of employee creditable service. This bill corrects an error in the excess benefit calculation from a bill introduced in last session. This error would have increased assessment on employers more than intended. The bill also phases in, over four years, the assessments on employers, which was considered by the majority to provide a needed introductory period to reduce short-term impact on employers. Vote 9-4.

Committee report adopted and ordered to third reading.

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for the Majority of Special Committee on Public Employee Pensions Reform: This bill would transfer \$89 million from the Group II special account to the corpus of the New Hampshire retirement system. The corpus is the main account of the NHRS. It will result in a decrease of \$3.5 million of employer (taxpayer) dollars needed. The \$89 million was transferred from a medical sub-trust for group II to the special account by the retirement board in Dec 2010. By doing this, the monies transferred would make available Group II monies needed for COLA's. No other groups have monies available for COLA's. We feel that no one group should have a benefit that the others don't. Vote 9-4.

Rep. Stephen J. Shurtleff for the Minority of Special Committee on Public Employee Pensions Reform: The transfer of 89 million dollars of Special Account money to the state accumulation fund breaches an agreement entered into by the retirement system (NHRS) and the IRS and reverses a vote of the NHRS Board authorizing a transfer of 89 million dollars from a medical subtrust back to the Special Account where the 89 million dollars originally came from. The agreement with the IRS was recommended by NHRS outside legal experts (Ice Miller) who expressly recommended that this money be returned to the special account. The transfer of special account money (intended to pay for employee pension benefits) to the corpus of the fund (in order to suppress employer rates) also constitutes a prohibited transaction under IRS rules and violates the New Hampshire Constitution, Part 1, Art 36-a. The prior transfer of 250 million dollars from the special account to the corpus is the subject of an ongoing lawsuit and HB 464-FN will likely amount to another illegal diversion of money raised and authorized exclusively to pay for employee pension benefits.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Long spoke against.

Rep. Hawkins spoke in favor.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 220 NAYS 80

**YEAS 220
BELKNAP**

Accornero, Harry
Greemore, Robert

Bolster, Peter
Luther, Robert

Fields, Dennis
Malone, Robert

Flanders, Donald
Millham, Alida

Pilliod, James
Tilton, Franklin

Russell, David
Worsman, Colette

Simpson, Tyler

Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Butynski, William
Emerson, Susan
Moore, Robert Jr

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sova, Charles

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Balboni, Michael
Belvin, William
Cebrowski, John
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Parison, James
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Barry, J. Gail
Boehm, Ralph
Coffey, James
DeJong, Cameron
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Barry, Richard
Brown, Kevin
Condra, William
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Scoutsas, Lisa
Soucy, Connie
Summers, James
Vaillancourt, Steve

Belanger, James
Burt, John
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Stephen
Reed, Michael
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian

Cohn, Seth
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Todd

Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Comerford, Timothy
Duarte, Joe
Garrity, James
Itse, Daniel
MacMahon, Bruce

Allen, Mary
Bettencourt, David
Davenport, Joshua
Ferrante, Beverly
Gould, Kenneth
Kappler, Lawrence
Major, Norman

Azarian, Gary
Birdsell, Regina
DeSimone, Debra
Fesh, Robert
Griffin, Mary
Kolodziej, Walter
Manuse, Andrew

Baldasaro, Alfred
Brown, Paul
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Lovejoy, Patricia
Mauro, Donna

Murphy, Brian
Packard, Sherman
Sanders, Elisabeth
Smith, William
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

Nevins, Chris
Reichard, Kevin
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

O'Connor, John
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

Okerman, Richard
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Larsen, Kirsten
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Munck, Philip
Pitre, Joseph

Jones, Kyle
Newton, Clifford
Vita, Carol

Jones, Laura
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 80 BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

Carr, Daniel
Roberts, Kris

Johnsen, Gladys
Sad, Tara

Lindsey, Steven
Tatro, Bruce

Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Tholl, John Jr

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Benn, Bernard
Pastor, Beatriz

Cooney, Mary
Pierce, David

Harding, Laurie
Smith, Suzanne

Nordgren, Sharon
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Gandia, Laura
Gorman, Mary
Proulx, Mark
Shaw, Barbara

Buxton, Michael
Garrity, Patrick
Long, Patrick
Ramsey, Peter

Campbell, David
Gidge, Kenneth
Pilotte, Maurice
Rhodes, Brian

MERRIMACK

Bouchard, Candace
Frazer, June
Rice, Chip
Wallner, Mary Jane

Deloge, Helen
MacKay, James
Richardson, Gary

DeStefano, Stephen
Owen, Derek
Shurtleff, Stephen

Foose, Robert
Potter, Frances
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Powers, James
Schlachman, Donna

Charron, Gene
Pantelakos, Laura
Quandt, Marshall

Copeland, Timothy
Perkins, Amy
Quandt, Matt

DiPentima, Rich
Perkins, Lawrence
Read, Robin Jr

STRAFFORD

Browne, Brendon
Pelletier, Marsha
Sprague, Dale

Hofemann, Roland
Roberts, Jenna
Wall, Janet

Horrigan, Timothy
Schmidt, Peter
Watters, David

Kaen, Naida
Spainhower, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

and the majority committee report was adopted and ordered to third reading.

HB 224-FN, establishing an independent legislative redistricting commission. **MAJORITY: IN-EXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Steve Vaillancourt for the Majority of Special Committee on Redistricting: Currently, the House and Senate are responsible for redistricting every ten years. Traditionally, the House has been responsible for redistricting the House, the Senate for redistricting the Senate, and both bodies have worked to draft plans for redistricting Congressional, Executive Council, and County Commission districts. This bill would take the responsibility for preparing redistricting plans away from elected officials and place it with a seven member panel (two appointed by the Governor, one each by the Supreme Court Chief Justice, the House Speaker, Senate President, and minority leaders of the House and Senate). A limited number of states (12 at last count) have adopted a system of redistricting panels outside the Legislature, but there is no evidence that the end product is any better than with states which have not gone that route. Law suits are just as likely to be filed; non-competitive districts are just as likely to be created. Out of all the states, New Hampshire, with its 400 elected representatives, is least in need of the system proposed in this bill. The majority believes it would be unwise to take this great responsibility away from duly elected representatives of the people and place it in the hands of what most likely would turn out to be partisan non-elected people. Note for example that with two appointments, the governor would have supreme power in this proposed system. There would be nothing to prevent a governor from choosing two people with similar partisan leanings. While senators and representatives are certainly partisan, at least we come with the imprimatur of having been chosen by voters who have vetted our partisanship. As if this bill weren't bad enough, it comes with a \$250,000 cost. Vote 11-4.

Rep. David M. Pierce for the Minority of Special Committee on Redistricting: Whoever draws legislative district lines decides who gets elected, but the minority believes that the decision of who gets elected belongs to the voters, not the politicians. Current law permits district line drawing using subjective, politically-charged criteria. Current practice also shuts out public scrutiny and participation. HB 224 would mandate objectivity and transparency. It would mandate that district lines be drawn using objective criteria, such as not favoring any political party or incumbent and not using previous election results to pack and fracture voters into more homogenous districts (or less, as the case may be). HB 224 would require the process be open to the public. It would solicit and encourage the public to submit its own redistricting plans. It would require favoring the plan that fits most closely to the objective standards. But we were told we don't need the House and Senate to go to the voters to hear what they think. We were told HB 224 would simply be too much work. We were told that the House and Senate must act in its own interest. The minority believes the House and Senate shouldn't put its own interests at the front of the line while putting the voters' interests at the back. The voters should pick their representatives; the representatives shouldn't pick the voters. Majority committee report adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. William Smith moved that the House reconsider its action whereby, on a roll call vote of 220-80, it adopted the majority committee report of Ought to Pass on **HB 464-FN**, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund.

Rep. William Smith spoke against.

Motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 256-102, it adopted the majority committee report of Ought to Pass with Amendment on **HB 329**, requiring parental notification before abortions may be performed on unemancipated minors.

Rep. Bettencourt spoke against.

Motion failed.

REGULAR CALENDAR (CONT'D)

HCR 9, urging Congress to support H.R. 6416 or similar legislation relative to airport security. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven L. Cunningham for the Majority of State-Federal Relations and Veterans Affairs: The committee finds it appalling that our federal government, under the umbrella of "safety," treats our citizens with such disrespect. This bill encourages passage of federal H.R. 6416 to enact legislation protecting the rights and dignity of travelers in the nation's airports. Alternatives to embarrassing innocent citizens do exist and should be brought into play. Vote 10-3.

Rep. Dale S. Spainhower for the Minority of State-Federal Relations and Veterans Affairs: Although the minority agrees with some concerns raised by the majority, the minority believes that some personal rights or freedoms at times need to be overlooked to ensure our nation's security. In addition, no alternative plan dealing with airport security checks was presented.

Majority Amendment (0616h)

Amend the resolution by replacing all after the resolving clause with the following:

That the general court of New Hampshire respectfully urges the President and Congress of the United States to immediately address the serious privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by Transportation Security Agency employees at the nation's airports; and if these concerns cannot be satisfactorily addressed, urges the discontinuation of their use; and

That the New Hampshire general court hereby urges Congress to pass H.R. 6416 or to enact similar legislation protecting the rights of travelers in the nation's airports; and

That copies of this resolution, signed by the speaker of the house of representatives and the senate present, be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the New Hampshire congressional delegation.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeanine M. Notter for the Majority of State-Federal Relations and Veterans Affairs: Charity begins at home. Our country has its own challenges with homelessness, education, war against terrorism, and other problems. Yet we provide the largest share of the financial burden of the United Nations (U.N.), paying hundreds of millions of dollars – giving America's money away – to other countries. Many of the U.N. members do not even like us. They support many things that are detrimental to this country and against its interests, yet they expect us to practically police the planet with our money and our military. Our country is so far in debt it makes sense to free ourselves from the tremendous burden of funding the United Nations. Vote 9-3.

Rep. Ted Rokas for the Minority of State-Federal Relations and Veterans Affairs: Although the minority agrees with the majority that the United Nations is not a perfect organization, the minority believes it would be unwise and foolish to withdraw from the organization, because the United Nations keeps the doors of diplomacy open.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Theberge requested a roll call; sufficiently seconded.

YEAS 189 NAYS 107

YEAS 189

BELKNAP

Accornero, Harry
Malone, Robert
Tilton, Franklin

Fields, Dennis
Russell, David
Worsman, Colette

Greemore, Robert
Simpson, Tyler

Luther, Robert
Swinford, Elaine

CARROLL

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey

McCarthy, Frank
Pettengill, Laurie

CHESHIRE

Byrnes, John
Johnson, Jane
Smith, Edwin

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Parkhurst, Henry

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sova, Charles

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Condra, William
Doherty, Shaun
Gagne, Larry
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Murphy, Keith
Parison, James
Reed, Michael
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

Barry, J. Gail
Brown, Kevin
Cusson-Cail, Kathleen
Donovan, Daniel
Gandia, Laura
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan

Barry, Richard
Burt, John
Daniels, Gary
Drisko, Richard
Greazzo, Phil
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Scoutsas, Lisa
Soucy, Connie
Summers, James
Villeneuve, Moe

Belanger, James
Cebrowski, John
DeJong, Cameron
Fredette, Robert
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Palmer, Stephen
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Whitehead, Randall

MERRIMACK

Coffey, Jennifer
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Giuda, J. Brandon
Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

Hoell, J.R.
McDonnell, John
Reed, Dennis
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Copeland, Timothy
Ferrante, Beverly
Itse, Daniel
MacMahon, Bruce
Okerman, Richard
Reichard, Kevin
Sedensky, John
Tasker, Kyle
Welch, David

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Fesh, Robert
Kappler, Lawrence
Manuse, Andrew
Packard, Sherman
Rice, Frederick
Sheffert, Kenneth
Tremblay, Stella
Weyler, Kenneth

Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Griffin, Mary
Katsakiores, Phyllis
Mauro, Donna
Quandt, Marshall
Ritter, Glenn
Shuler, Wyman III
Tucker, Pamela
Wheaton, Gary

Bates, David
Comerford, Timothy
Duarte, Joe
Hoelzel, Kathleen
Kolodziej, Walter
Murphy, Brian
Quandt, Matt
Sanders, Elisabeth
Smith, William
Webb, James

STRAFFORD

Cataldo, Sam
Jones, Laura
Parsons, Robbie

DeLemus, Susan
Larsen, Kirsten
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

Jones, Kyle
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Smith, Steven

LaCasse, Paul Sr

NAYS 107**BELKNAP**

Bolster, Peter

Flanders, Donald

Millham, Alida

Pilliod, James

CARROLL

Ahlgren, Christopher

Knox, J. David

Umberger, Karen

CHESHIRE

Butynski, William
Lindsey, Steven
Tatro, Bruce

Carr, Daniel
Roberts, Kris
Weber, Lucy

Hunt, John
Sad, Tara

Johnsen, Gladys
Sterling, Franklin Jr

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Benn, Bernard
Pastor, Beatriz

Cooney, Mary
Pierce, David

Harding, Laurie
Smith, Suzanne

Nordgren, Sharon
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Gargas, Carolyn
Gorman, Mary
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Belvin, William
Coffey, James
Garrity, Patrick
Graham, John
Messier, Irene
Rhodes, Brian
Vaillancourt, Steve

Brunelle, Michael
Cote, David
Gidge, Kenneth
Haefner, Robert
Moran, Edward
Robbins, David

Buxton, Michael
Flanagan, Jack
Goley, Jeffrey
Kurk, Neal
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Richardson, Jon

Deloge, Helen
Hess, David
Potter, Frances
Shurtleff, Stephen

DeStefano, Stephen
Keane, Thomas
Rice, Chip
Wallner, Mary Jane

Foose, Robert
Lockwood, Priscilla
Richardson, Gary

ROCKINGHAM

Allen, Mary
Garcia, Marilinda
Major, Norman
Pantelakos, Laura
Sullivan, Kevin

Cali-Pitts, Jacqueline
Garrity, James
Nevins, Chris
Powers, James
Sytek, John

Charron, Gene
Gould, Kenneth
Norelli, Terie
Schlachman, Donna
Waddell, James

Dowling, Patricia
Lovejoy, Patricia
O'Connor, John
Sullivan, James
Ward, Joanne

STRAFFORD

Hofemann, Roland
Pelletier, Marsha
Sprague, Dale

Horrigan, Timothy
Roberts, Jenna
Wall, Janet

Kaen, Naida
Schmidt, Peter
Watters, David

Munck, Philip
Spainhower, Dale
Weeden, Michael

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Rodeschin, Beverly

and the majority committee report was adopted and ordered to third reading.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucien A. Vita for the Majority of State-Federal Relations and Veterans Affairs: NAFTA has never been subject to congressional oversight, necessary for a treaty to become law. Yet, in spite of being in violation of the constitution, NAFTA has been put into force by congress, resulting in the loss of jobs and wages to other countries. This agreement is not in the best interest of the United States and should be voided. Vote 9-3.

Rep. Ted Rokas for the Minority of State-Federal Relations and Veterans Affairs: The minority feels that withdrawing from NAFTA will not address the problems associated with economic security, human rights and environmental issues.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Theberge requested a roll call; sufficiently seconded.

YEAS 172 NAYS 124

YEAS 172

BELKNAP

Accornero, Harry
Russell, David
Worsman, Colette

Fields, Dennis
Simpson, Tyler

Malone, Robert
Swinford, Elaine

Pilliod, James
Tilton, Franklin

CARROLL

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Pettengill, Laurie

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Smith, Edwin

Cartwright, Anne
Lindsey, Steven

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Coulombe, Gary
Richardson, Herbert

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

Ingbertson, Paul
Sova, Charles

Mirski, Paul

HILLSBOROUGH

Balboni, Michael
Burt, John
Doherty, Shaun
Gandia, Laura
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McCarthy, Michael
Murphy, Keith
Pellegriano, Tony
Reed, Michael
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

Barry, J. Gail
Condra, William
Donovan, Daniel
Greazzo, Phil
Hikel, John
Holden, Frank
Jasper, Shawn
Long, Patrick
McClarren, Donald
Notter, Jeanine
Peterson, Lenette
Renzullo, Andrew
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan

Belanger, James
Daniels, Gary
Drisko, Richard
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Palmer, Stephen
Proulx, Mark
Scontsas, Lisa
Soucy, Connie
Summers, James
Villeneuve, Moe

Brown, Kevin
DeJong, Cameron
Flanagan, Jack
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
Marcus, Bruce
Mecheski, Holly
Parison, James
Ramsey, Peter
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Whitehead, Randall

MERRIMACK

Coffey, Jennifer
Kotowski, Frank
McGuire, Carol
Smith, Molly

Cohn, Seth
Kreis, Kenneth Sr
Palfrey, David
Smith, Todd

Giuda, J. Brandon
Lauer-Rago, Kathleen
Reed, Dennis

Hoell, J.R.
McDonnell, John
Sanborn, Laurie

ROCKINGHAM

Azarian, Gary
Copeland, Timothy
Ferrante, Beverly
Itse, Daniel
MacMahon, Bruce
Okerman, Richard
Reichard, Kevin
Sheffert, Kenneth
Tremblay, Stella

Baldasaro, Alfred
Davenport, Joshua
Fesh, Robert
Kappler, Lawrence
Mauro, Donna
Packard, Sherman
Rice, Frederick
Shuler, Wyman III
Webb, James

Birdsell, Regina
DeSimone, Debra
Griffin, Mary
Katsakiores, Phyllis
Murphy, Brian
Quandt, Marshall
Sanders, Elisabeth
Sullivan, Kevin
Welch, David

Comerford, Timothy
Duarte, Joe
Hoelzel, Kathleen
Kolodziej, Walter
O'Connor, John
Quandt, Matt
Sedensky, John
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Jones, Kyle
Panek, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie

Groen, Warren
Larsen, Kirsten
Pitre, Joseph

Horrigan, Timothy
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Smith, Steven

LaCasse, Paul Sr

NAYS 124**BELKNAP**

Bolster, Peter
Millham, Alida

Flanders, Donald

Greemore, Robert

Luther, Robert

CARROLL

Ahlgren, Christopher

Knox, J. David

Morrow, Harry

Umberger, Karen

CHESHIRE

Butynski, William
Parkhurst, Henry
Tatro, Bruce

Carr, Daniel
Roberts, Kris
Weber, Lucy

Hunt, John
Sad, Tara

Johnsen, Gladys
Sterling, Franklin Jr

COOS

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Benn, Bernard
Harding, Laurie
Pierce, David

Bradley, Lester
Ladd, Rick Jr
Smith, Suzanne

Bulis, Lyle
Nordgren, Sharon
White, Andrew

Cooney, Mary
Pastor, Beatriz

HILLSBOROUGH

Baroody, Benjamin
Brunelle, Michael
Coffey, James
Gagne, Larry
Goley, Jeffrey
Kurk, Neal
Pilotte, Maurice
Shaw, Barbara

Barry, Richard
Buxton, Michael
Cote, David
Gargas, Carolyn
Gorman, Mary
Messier, Irene
Rhodes, Brian
Vaillancourt, Steve

Belvin, William
Campbell, David
Cusson-Cail, Kathleen
Garrity, Patrick
Graham, John
Moran, Edward
Robbins, David

Boehm, Ralph
Cebrowski, John
Fredette, Robert
Gidge, Kenneth
Haefner, Robert
Ohm, Bill
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Hess, David	Keane, Thomas	Lockwood, Priscilla
MacKay, James	McGuire, Dan	Potter, Frances	Rice, Chip
Richardson, Gary	Richardson, Jon	Seaworth, G. Brian	Shurtleff, Stephen
Soltani, Tony	Wallner, Mary Jane	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Bates, David	Bettencourt, David
Brown, Paul	Cali-Pitts, Jacqueline	Charron, Gene	Dowling, Patricia
Garcia, Marilinda	Garrity, James	Gould, Kenneth	Lovejoy, Patricia
Major, Norman	Manuse, Andrew	Nevins, Chris	Norelli, Terie
Pantelakos, Laura	Powers, James	Ritter, Glenn	Schlachman, Donna
Smith, William	Sullivan, James	Sytek, John	Tucker, Pamela
Waddell, James	Ward, Joanne	Wheaton, Gary	

STRAFFORD

Hofemann, Roland	Kaen, Naida	Munck, Philip	Pelletier, Marsha
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Sprague, Dale
Wall, Janet	Watters, David	Weeden, Michael	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Rodeschin, Beverly
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and the majority committee report was adopted and ordered to third reading.

HCR 22, opposing the right of any firm, corporation, or individual to trademark the name Mount Washington. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Robert L. Theberge for the Majority of State-Federal Relations and Veterans Affairs: The majority believes that the North Country has a well-known history and culture which was not fully taken into account when an application was made to the U.S. Patent and Trademark Office (USPTO). Although the amendment is a good compromise, a letter will be sent to the USPTO stating that no firm, corporation, or individual shall have exclusivity. For example, the trademark in question corners the hospitality market. Vote 10-3.

Rep. Daniel J. Tamburello for the Minority of State-Federal Relations and Veterans Affairs: While the committee adopted the amendment 12-1, the minority felt it important to note for the record that due to the unique nature of Mount Washington and its importance to the people and the state of New Hampshire both intrinsically and as a tourist attraction, the amended resolution does not go far enough in protecting the rights of the citizens and small business owners of the North Country.

Majority Amendment (0612h)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.

Amend the resolution by replacing all after the title with the following:

Whereas, at 6,288 feet Mount Washington is the highest peak in the Northeastern United States and is located in the Presidential Range of the White Mountains, in Coos County, New Hampshire; and

Whereas, Mount Washington is a natural landmark known throughout the world for its majestic beauty and its dangerously erratic weather; and

Whereas, Mount Washington signifies the tough, resilient "live free or die" nature of New Hampshire and its residents; and

Whereas, Mount Washington is unique to New Hampshire; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That while the New Hampshire house of representatives understands and supports the need for firms, corporations, or persons to have trademark protection and that the name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location; and

That copies of this resolution be forwarded by the house clerk to the United States Patent and Trademark Office.

AMENDED ANALYSIS

This concurrent resolution declares that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HCR 25, urging Congress to amend the Internal Revenue Code to permit churches and other houses of worship to engage in political campaigns. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frank H. McCarthy for the Majority of State-Federal Relations and Veterans Affairs: This resolution would urge congress to amend the Internal Revenue Code to permit churches and other houses of worship to engage in political campaigns. The committee believes that, if passed, the result would be to open a Pandora's box as it relates to entities such as the American Legion, other veterans organizations, the Red Cross and hundreds of other 501 c.3 organizations. Vote 10-2.

Rep. Todd P. Smith for the Minority of State-Federal Relations and Veterans Affairs: The bill's sole intent is to reinforce the church's first amendment rights as a body of like believers and individuals thereof. Parishioners and pastors have been verbally and financially attacked for exercising their biblical beliefs. This HCR would have only asked Congress to pass legislation to protect the rights of churches to state their beliefs in and outside the four walls of the building when those beliefs may directly be infringed upon by political legislation.

Majority committee report adopted.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 17, 2011 at 9:00 a.m. Adopted.

LATE SESSION

Third reading and final passage

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

HB 206-FN, establishing an apprentice hunting license.

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department.

HB 58, relative to inter-facility transfers of critical access hospital patients.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease.

HB 442-FN, relative to the use of marijuana for medicinal purposes.

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems.

HB 141, relative to protected utility services.

HB 158, relative to the misuse of social security numbers.

HB 254, relative to offers of judgments.

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors.

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

HB 532-L, relative to municipal liability for dog bites.

HR 7, directing the house judiciary committee to investigate whether grounds exist to impeach marital master Phillip Cross and/or any justice of the New Hampshire superior court.

HB 524-FN, relative to the release of prisoners on probation or parole.

HB 133, relative to the minimum wage.

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.

HB 109, relative to residential fire sprinklers.

HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property.

HB 341, relative to local spending caps.

HB 368-FN-L, relative to workforce housing and the definition of community.

HB 409, relative to planning board members.

HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

HB 483-FN-L, relative to mosquito control.

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system.

HB 231-FN, relative to payment of medical benefits for state retirees, their spouses, and dependents.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund.

HCR 9, urging Congress to support H.R. 6416 or similar legislation relative to airport security.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

HCR 22, declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 10:10 p.m.

RECESS

(Speaker O'Brien in the Chair)

Rep. Daniels moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 12

Thursday, March 17, 2011

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Yesterday, having marked 209 years of the founding of the United States Military Academy at West Point, an institution which has provided the nation with many of its greatest leaders, including two presidents, three Heisman Trophy winners, and enough Generals' stars to fill a galaxy, we complete our commemoration of this event with the traditional West Point Cadet Prayer, submitted by Representative Frederick Rice.

O God, our Father, Thou Searcher of human hearts, help us to draw near to Thee in sincerity and truth. May our religion be filled with gladness and may our worship of Thee be natural. Strengthen and increase our admiration for honest dealing and clean thinking, and suffer not our hatred of hypocrisy and pretence ever to diminish. Encourage us in our endeavor to live above the common level of life. Make us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole truth can be won. Endow us with courage that is born of loyalty to all that is noble and worthy, that scorns to compromise with vice and injustice and knows no fear when truth and right are in jeopardy. Guard us against flippancy and irreverence in the sacred things of life. Grant us new ties of friendship and new opportunities of service. Kindle our hearts in fellowship with those of a cheerful countenance, and soften our hearts with sympathy for those who sorrow and suffer. Especially, this day, we remember Representative Bill Tobin, who needs healing. Help us to maintain the honor of the Corps untarnished and unsullied and to show forth in our lives the ideals of West Point in doing our duty to Thee and to our Country. All of which we ask in the name of the Great Friend and Master of all. Amen.

Representative Jenna Roberts, member from Durham, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Andolina, Beattie, Ronald Belanger, Chirichiello, Day, Devine, Katsiantonis, Kingsbury, Moody and Tobin, the day, illness.

Reps. Aguiar, Ball, Carr, Chase, Comtois, Condra, DeSimone, Eaton, Elliott, Gimas, Ginsburg, Hill, Hofemann, Kaen, Lefebvre, Leonard, Mark Lindsley, Bruce MacMahon, William O'Connor, Barry Palmer, Pelletier, Pepino, Amy Perkins, Lawrence Perkins, Peterson, Scala, Serlin, Shackett, Spainhower, Daniel Sullivan, Kevin Sullivan, Terrio, Weed and Wheaton, the day, important business. Rep. Erickson, the day, illness in the family.

Rep. Lynne Ober, Russell Ober and Schroader, the day, death in the family.

INTRODUCTION OF GUESTS

Fourth grade students from Bow Elementary School, guests of the Bow and Dunbarton delegation. Fourth grade students from Barnstead Elementary School, guests of the Barnstead delegation.

Hallie Loft of Hopkinton High School, Page for the day.

REGULAR CALENDAR (CONT'D)

HB 218, repealing the New Hampshire rail transit authority. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John A. Hikel for the Majority of Transportation: The rail authority is planning to spend up to 5 million dollars to determine whether or not New Hampshire is ready for high speed rail. The state of Vermont tried a similar rail system and cancelled it after it cost their taxpayers millions of dollars. Maine's Down Easter prides itself in losing only a minimum of 10 million dollars annually. It is the opinion of the majority that the repeal of this authority is necessary. Vote 11-5.

Rep. Robert W. Williams for the Minority of Transportation: This bill repeals the New Hampshire Rail Transit Authority. The 28 volunteer members of the New Hampshire Rail Transit Authority (NHRTA) have been working hard to be able to make a well thought out and researched recommendation for possible future passenger rail commuter service in New Hampshire. The NHRTA was established in July 2007 by legislation. Its mission is to develop and provide commuter and

passenger rail and related public rail transportation services in New Hampshire. The authority's vision is to develop and implement a comprehensive, coordinated and prioritized project and funding plans for passenger rail services. The NHRTA made the decision to support passenger rail service on the NH Capitol Corridor from Concord to Boston in 2008. Working with NH-DOT, the state of NH is the recipient of two federal grants. These grant monies will be used to study and plan for the restoration of passenger rail service to the Capitol Corridor. These grants total over 4.1 million and are at no cost to the state. The next steps, using these grants, are to do an economic impact and feasibility study. Just as the authority is ready to work on this economic impact and feasibility study is not the time to disband the authority. This study is necessary and required for the authority to make an informed recommendation to the legislature advising whether or not to proceed with the NH Capitol Corridor project. The NHRTA should not be abolished before the economic impact and feasibility study is done, the questions are answered and a recommendation is prepared for the legislature to consider.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Brunelle requested a quorum call; Speaker declared a quorum present.

Rep. Dan McGuire spoke in favor.

Reps. Rhodes and Scontos spoke against and yielded to questions.

Rep. Hikel spoke in favor and yielded to questions.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 190 NAYS 119

YEAS 190

BELKNAP

Flanders, Donald
Russell, David
Worsman, Colette

Greemore, Robert
Simpson, Tyler

Luther, Robert
Swinford, Elaine

Malone, Robert
Tilton, Franklin

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Richardson, Herbert

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ladd, Rick Jr

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Simard, Paul

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Christiansen, Lars
DeJong, Cameron
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Kurk, Neal
Moran, Edward
Pratt, Calvin

Barry, J. Gail
Brownrigg, Randall Jr
Coffey, James
Doherty, Shaun
Fredette, Robert
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Maltz, Jonathan
Murphy, Keith
Proulx, Mark

Belvin, William
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Marcus, Bruce
Palmer, Stephen
Renzullo, Andrew

Bergevin, Jerry
Champagne, Norma
Daniels, Gary
Drisko, Richard
Gandia, Laura
Hardwick, Harry
Hogan, Timothy
Krasucki, Joseph
McCarthy, Michael
Parison, James
Robbins, David

Rowe, Robert
Swank, Matthew
Warden, Mark

Seidel, Carl
Ulery, Jordan

Simmons, Tammy
Vaillancourt, Steve

Stepanek, Stephen
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Smith, Todd

Cox, Sean
Keane, Thomas
McDonnell, John
Richardson, Jon
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Devine, James
Garcia, Marilinda
Headd, James
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Peckham, Michele
Ritter, Glenn
Shuler, Wyman III
Tasker, Kyle
Waterhouse, Kevin

Antosz, Jason
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Lundgren, David
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Welch, David

Azarian, Gary
Brown, Paul
Copeland, Timothy
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Reichard, Kevin
Sedensky, John
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Case, Frank
Davenport, Joshua
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Rice, Frederick
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne

STRAFFORD

Cataldo, Sam
Jones, Laura
Panek, William
Weeden, Michael

DeLemus, Susan
Larsen, Kirsten
Pitre, Joseph

Groen, Warren
Munck, Philip
Vita, Carol

Jones, Kyle
Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

Lovett, Charlene

NAYS 119

BELKNAP

Bolster, Peter
St. Cyr, Jeffrey

Fields, Dennis

Millham, Alida

Pilliod, James

CARROLL

Ahlgren, Christopher

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Dwinell, Richard
Lindsey, Steven
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

Gionet, Edmond
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Avard, Kevin	Baroody, Benjamin	Barry, Richard	Belanger, James
Brown, Kevin	Brunelle, Michael	Burt, John	Buxton, Michael
Campbell, David	Christensen, D.L. Chris	Cote, David	Coughlin, Sean
Gargas, Carolyn	Garrity, Patrick	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Graham, John	Hinch, Richard	Jeudy, Jean
LeBrun, Donald	Levasseur, Nickolas	Long, Patrick	McClarren, Donald
Mecheski, Holly	Messier, Irene	Notter, Jeanine	Ohm, Bill
Pellegrino, Tony	Pilotte, Maurice	Porter, Marjorie	Reed, Michael
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Scontsas, Lisa
Stroud, Kathleen	Thomas, Joseph	Twombly, Timothy	Whitehead, Randall
Willette, Robert			

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Frazer, June
Gile, Mary	Hamm, Christine	Lockwood, Priscilla	MacKay, James
Owen, Derek	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Shurtleff, Stephen	Smith, Molly	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Allen, Mary	DiPentima, Rich	Gould, Kenneth	Norelli, Terie
Pantelakos, Laura	Powers, James	Quandt, Marshall	Quandt, Matt
Read, Robin Jr	Sapareto, Frank	Schlachman, Donna	Waddell, James
Webb, James			

STRAFFORD

Brown, Julie	Browne, Brendon	Grassie, Anne	Hooper, Dorothea
Horrigan, Timothy	Keans, Sandra	Roberts, Jenna	Schmidt, Peter
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	LaCasse, Paul Sr	Schmidt, Andrew
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and the majority committee report was adopted and ordered to third reading.

HB 335-FN-A*, establishing multi-use number plates. **OUGHT TO PASS.*

Rep. Brian D. Rhodes for Transportation: This bill will establish a multi-use number plate. The committee recognized that many worthy non-profit organizations in addition to state agencies have come forward year after year requesting a number plate that would enhance their visibility and image throughout New Hampshire. The committee was and continues to be committed to maintaining the purpose and sanctity of our license plates. This bill provides a pathway for our citizens to achieve their goal while receiving the endorsement of New Hampshire department of safety/division of motor vehicles. Qualifying organizations will now have the opportunity to design a logo that will represent them on a number plate. This bill requires no financial support from our state budget. Organizations who qualify will fund the production, administration and delivery of these number plates. Vote 14-0. Committee report adopted and ordered to third reading.

HB 540-FN*, relative to motor vehicle inspections. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.*

Rep. John A. Hikel for the Majority of Transportation: While this bill is well intentioned, inspections are only required to PASS on the day of the inspection and safety components that are borderline but passable will surely not last another two years and put the operators, passengers, as well as the motoring public in jeopardy for their safety. Vote 11-1.

Rep. Kyle D. Jones for the Minority of Transportation: There are a vast amount of studies that indicate that safety inspections are ineffective. In fact, they have proven to be so ineffective that 30 out of 50 states, including high snow areas such as Colorado, Michigan and Montana, do not require that safety inspections be done at all. This bill is a step in the right direction of promoting personal responsibility and limited government.

The question being adoption of the majority committee report of Inexpedient to Legislate.
 Reps. Vaillancourt, Dan McGuire and Tamburello spoke against.
 Rep. Keith Murphy spoke against and yielded to questions.
 Rep. Osgood spoke in favor and yielded to questions.
 Reps. Cooney, Hikel and Packard spoke in favor.
 Rep. Whitehead spoke in favor and yielded to questions.
 Rep. Tamburello requested a roll call; sufficiently seconded.

YEAS 126 NAYS 210**YEAS 126****BELKNAP**

Bolster, Peter	Fields, Dennis	Flanders, Donald	Millham, Alida
Pilliod, James	Russell, David	St. Cyr, Jeffrey	Tilton, Franklin

CARROLL

Chandler, Gene	Merrow, Harry	Patten, Betsey	Umberger, Karen
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CHESHIRE

Dwinell, Richard	Hawkes, Samuel	Johnsen, Gladys	Lerandeau, Alfred
Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy	

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Richardson, Herbert	Tholl, John Jr	Thomas, Yvonne	

GRAFTON

Almy, Susan	Bulis, Lyle	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Barry, J. Gail	Belvin, William	Brownrigg, Randall Jr	Cebrowski, John
Christensen, D.L. Chris	Coffey, James	Cote, David	Coughlin, Sean
Cusson-Cail, Kathleen	Drisko, Richard	Flanagan, Jack	Garrity, Patrick
Graham, John	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Jasper, Shawn	Marcus, Bruce	McClarren, Donald	Messier, Irene
Moran, Edward	Pilote, Maurice	Ramsey, Peter	Rhodes, Brian
Rokas, Ted	Rosenwald, Cindy	Rowe, Robert	Thomas, Joseph
Whitehead, Randall			

MERRIMACK

Deloge, Helen	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hess, David	Kidder, David	Kotowski, Frank
Lockwood, Priscilla	Owen, Derek	Palfrey, David	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Williams, Robert

ROCKINGHAM

Allen, Mary	Cali-Pitts, Jacqueline	Charron, Gene	DiPentima, Rich
Dowling, Patricia	Ferrante, Beverly	Gould, Kenneth	Hagan, Joseph
Headd, James	Katsakiores, Phyllis	Lundgren, David	Major, Norman
McKinney, Betsy	McMahon, Charles	Nevins, Chris	Norelli, Terie
O'Connor, John	Packard, Sherman	Pantelakos, Laura	Quandt, Marshall
Read, Robin Jr	Schlachman, Donna	Sedensky, John	Sytek, John
Tucker, Pamela	Waddell, James	Ward, Joanne	Waterhouse, Kevin

STRAFFORD

Cataldo, Sam
Wall, Janet

Grassie, Anne

Keans, Sandra

Schmidt, Peter

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr

Osgood, Joe

NAYS 210**BELKNAP**

Accornero, Harry
Simpson, Tyler

Greemore, Robert
Swinford, Elaine

Luther, Robert
Worsman, Colette

Malone, Robert

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Tregenza, Norman

Babson, David Jr
McConkey, Mark

Fleck, Joseph
Pettengill, Laurie

Knox, J. David
Schmidt, Stephen

CHESHIRE

Butynski, William
Hunt, John
Smith, Edwin

Byrnes, John
Johnson, Jane

Cartwright, Anne
Lindsey, Steven

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

Theberge, Robert

Tremblay, Marc

GRAFTON

Benn, Bernard
Ingbreton, Paul
Simard, Paul

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brunelle, Michael
Champagne, Norma
Doherty, Shaun
Gandia, Laura
Gorman, Mary
Hardwick, Harry
Hopper, Gary
Krasucki, Joseph
Levasseur, Nickolas
McGuinness, Sean
Ohm, Bill
Porter, Marjorie
Renzullo, Andrew
Shaw, Barbara
Stroud, Kathleen
Vaillancourt, Steve

Balboni, Michael
Bergevin, Jerry
Burt, John
Christiansen, Lars
Donovan, Daniel
Gargas, Carolyn
Greazzo, Phil
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Long, Patrick
Mecheski, Holly
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Swank, Matthew
Villeneuve, Moe

Baroody, Benjamin
Boehm, Ralph
Buxton, Michael
Daniels, Gary
Fredette, Robert
Goley, Jeffrey
Haefner, Robert
Hogan, Timothy
Infantine, William
Lambert, George
Maltz, Jonathan
Murphy, Keith
Parison, James
Proulx, Mark
Scoutsas, Lisa
Simmons, Tammy
Twombly, Timothy
Warden, Mark

Barry, Richard
Brown, Kevin
Campbell, David
DeJong, Cameron
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Holden, Frank
Jeudy, Jean
LeBrun, Donald
McCarthy, Michael
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Keane, Thomas
McDonnell, John
Sanborn, Laurie
Smith, Todd

Bouchard, Candace
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Soltani, Tony

Coffey, Jennifer
Hamm, Christine
Lauer-Rago, Kathleen
McGuire, Dan
Shurtleff, Stephen
Wallner, Mary Jane

Cohn, Seth
Hoell, J.R.
MacKay, James
Richardson, Jon
Smith, Molly
Winter, Steven

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Birdsell, Regina	Brown, Paul
Case, Frank	Comerford, Timothy	Copeland, Timothy	Davenport, Joshua
Devine, James	Duarte, Joe	Fesh, Robert	Garcia, Marilinda
Garrity, James	Griffin, Mary	Hoelzel, Kathleen	Hutchinson, Karen
Itse, Daniel	Kappler, Lawrence	Kolodziej, Walter	Manuse, Andrew
Mauro, Donna	Murphy, Brian	Okerman, Richard	Oigny, Jeffrey
Peckham, Michele	Powers, James	Quandt, Matt	Reagan, John
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sapareto, Frank	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Sullivan, James	Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella
Webb, James	Welch, David	Weyler, Kenneth	

STRAFFORD

Brown, Julie	Browne, Brendon	DeLemus, Susan	Groen, Warren
Hooper, Dorothea	Horrigan, Timothy	Jones, Kyle	Jones, Laura
Larsen, Kirsten	Munck, Philip	Newton, Clifford	Panek, William
Parsons, Robbie	Pitre, Joseph	Roberts, Jenna	Spang, Judith
Sprague, Dale	Vita, Carol	Vita, Lucien	Watters, David
Weeden, Michael			

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	Laware, Thomas
Lovett, Charlene	Smith, Steven		

and the majority committee report failed.
Rep. Keith Murphy moved the minority committee report of Ought to Pass.
Rep. Panek requested a roll call; sufficiently seconded.

YEAS 234 NAYS 101**YEAS 234****BELKNAP**

Accornero, Harry	Greemore, Robert	Luther, Robert	Malone, Robert
Pilliod, James	Simpson, Tyler	Swinford, Elaine	Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Pettengill, Laurie
Schmidt, Stephen	Tregenza, Norman		

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Emerson, Susan
Hunt, John	Johnson, Jane	Lindsey, Steven	Moore, Charles
Moore, Robert Jr	Roberts, Kris	Smith, Edwin	

COOS

Daugherty, Duffy	Rappaport, Laurence	Theberge, Robert	Tremblay, Marc
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GRAFTON

Benn, Bernard	Bradley, Lester	Brosseau, Charles	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Pastor, Beatriz
Reilly, Harold Sr	Simard, Paul	Smith, Suzanne	Sorg, Gregory
Sova, Charles	Taylor, Kathleen		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Baroody, Benjamin	Barry, Richard
Belanger, James	Bergevin, Jerry	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Brunelle, Michael	Burt, John	Buxton, Michael

Campbell, David
Daniels, Gary
Fredette, Robert
Goley, Jeffrey
Haefner, Robert
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Levasseur, Nickolas
McCarthy, Michael
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Robbins, David
Shaw, Barbara
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Champagne, Norma
DeJong, Cameron
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Timothy
Infantine, William
Kurk, Neal
Long, Patrick
McGuinness, Sean
Murphy, Keith
Parison, James
Proulx, Mark
Rowe, Robert
Silva, Peter
Swank, Matthew
Vaillancourt, Steve

Christiansen, Lars
Doherty, Shaun
Gandia, Laura
Gorman, Mary
Hardwick, Harry
Holden, Frank
Jasper, Shawn
Lambert, George
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scoutsas, Lisa
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

Coffey, James
Donovan, Daniel
Gargas, Carolyn
Greazzo, Phil
Hikel, John
Hopper, Gary
Jeudy, Jean
LeBrun, Donald
Marcus, Bruce
Messier, Irene
Ohm, Bill
Porter, Marjorie
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Shurtleff, Stephen
Wallner, Mary Jane

Bouchard, Candace
Giuda, J. Brandon
Keane, Thomas
MacKay, James
Richardson, Jon
Smith, Molly
Winter, Steven

Coffey, Jennifer
Hamm, Christine
Kotowski, Frank
McDonnell, John
Sanborn, Laurie
Smith, Todd

Cohn, Seth
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Cali-Pitts, Jacqueline
Copeland, Timothy
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
McMahon, Charles
Peckham, Michele
Rice, Frederick
Sheffert, Kenneth
Tamburello, Daniel
Waterhouse, Kevin

Antosz, Jason
Bettencourt, David
Case, Frank
Davenport, Joshua
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Murphy, Brian
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tasker, Kyle
Webb, James

Azarian, Gary
Birdsell, Regina
Charron, Gene
Devine, James
Garrity, James
Hutchinson, Karen
Manuse, Andrew
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Welch, David

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Itse, Daniel
Mauro, Donna
Oigny, Jeffrey
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Brown, Julie
Hooper, Dorothea
Keans, Sandra
Panek, William
Spang, Judith
Watters, David

Browne, Brendon
Horrigan, Timothy
Larsen, Kirsten
Parsons, Robbie
Sprague, Dale
Weeden, Michael

DeLemus, Susan
Jones, Kyle
Munck, Philip
Pitre, Joseph
Vita, Carol

Groen, Warren
Jones, Laura
Newton, Clifford
Roberts, Jenna
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Smith, Steven

Howard, Thomas

Laware, Thomas

NAYS 101 BELKNAP

Bolster, Peter
Russell, David

Fields, Dennis
St. Cyr, Jeffrey

Flanders, Donald
Tilton, Franklin

Millham, Alida

CARROLL

Chandler, Gene	Patten, Betsey	Umberger, Karen
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CHESHIRE

Dwinell, Richard	Hawkes, Samuel	Johnsen, Gladys	Lerandeau, Alfred
Parkhurst, Henry	Sad, Tara	Sterling, Franklin Jr	Tatro, Bruce
Weber, Lucy			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Richardson, Herbert	Thomas, Yvonne		

GRAFTON

Almy, Susan	Bulis, Lyle	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pierce, David	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Barry, J. Gail	Belvin, William	Cebrowski, John	Christensen, D.L. Chris
Cote, David	Coughlin, Sean	Cusson-Cail, Kathleen	Drisko, Richard
Flanagan, Jack	Garriy, Patrick	Graham, John	Hawkins, Kenneth
Hinch, Richard	McClarren, Donald	Pilotte, Maurice	Ramsey, Peter
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Whitehead, Randall

MERRIMACK

Deloge, Helen	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Kidder, David	Lockwood, Priscilla	Owen, Derek
Palfrey, David	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Williams, Robert		

ROCKINGHAM

Allen, Mary	DiPentima, Rich	Dowling, Patricia	Ferrante, Beverly
Gould, Kenneth	Headd, James	Katsakiores, Phyllis	Lundgren, David
Major, Norman	McKinney, Betsy	Nevins, Chris	Norelli, Terie
O'Connor, John	Packard, Sherman	Pantelakos, Laura	Powers, James
Quandt, Marshall	Read, Robin Jr	Schlachman, Donna	Sedensky, John
Sytek, John	Waddell, James	Ward, Joanne	

STRAFFORD

Cataldo, Sam	Grassie, Anne	Schmidt, Peter	Wall, Janet
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SULLIVAN

Cloutier, John	Gagnon, Raymond	LaCasse, Paul Sr	Osgood, Joe
Rodeschin, Beverly	Schmidt, Andrew		

and the minority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Comerford moved that the House reconsider its action whereby, on a roll call vote of 234-101, it adopted the minority committee report of Ought to Pass on **HB 540-FN**, relative to motor vehicle inspections.

Rep. Comerford spoke against.

Motion failed.

REGULAR CALENDAR (CONT'D)**SPECIAL ORDER**

HB 337-FN-L, relative to the calculation and distribution of adequate education grants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David W. Hess for Special Committee on Education Funding Reform: This bill comprehensively addresses and revises the current statutory provisions for the state's funding of education. It accomplishes four critical objectives. First, it provides sustainability, predictability and continuity to that funding. Under this bill, no town, city or school district will receive either a greater or a lesser education grant from the state in the coming biennium than they are receiving in the current fiscal year, period. If it passes, the era of dueling spreadsheets will come to an end. This is the single most important aspect of state aid to education – for educators, school bonds and local property taxpayers. Second, this bill calculates the base cost per pupil by using empirical, realistic standards and criteria rather than the exaggerated, inflated criteria currently in law, which merely increases the total amount of state aid. The standards and criteria embodied in this bill are derived from the state department of education minimum standards as promulgated in its rules and from the federal definition of a “highly qualified” teacher. Third, as a result of the revised formula for calculating the base cost per pupil, this bill permits significantly increased targeted aid to provide increased resources for those pupils and communities which would most benefit from state aid. It retains the targeted amount for special education and English-as-a-second language students at current levels. It retains targeted funds for students eligible for the federal free and reduced lunch program, but establishes that aid at a fixed dollar amount for each such pupil and distributes that aid based upon the number of students eligible for that program and not for the entire student population in schools which contain a certain percentage of such eligible students. This bill also substantially increases fiscal capacity disparity aid to our most disadvantaged communities. In total, this bill increases the aggregate targeted aid from approximately 25% of total state aid to almost 40%. Fourth and finally, this bill eliminates donor towns. In conclusion, this bill accomplishes all of these objectives without increasing the aggregate state appropriation for education. Vote 12-3.

Amendment (0593h)

Amend the bill by replacing all after the enacting clause with the following:

1 Adequate Education; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions. In this section:

I. “Average daily membership in residence” or “ADMR” means the average daily membership in residence of pupils in kindergarten through grade 12, as defined in RSA 189:1-d, IV of the second school year preceding the year in which the calculation is made, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar year.

II. “Commissioner” means the commissioner of the department of education.

III. “Department” means the department of education.

IV. “Determination year” means the fiscal year that was 3 years prior to the fiscal year for which aid is to be determined. Unless otherwise indicated, determination year data shall be used to calculate aid.

V. “Educationally disabled child” or “educationally disabled pupil” shall mean “educationally disabled child” as defined in RSA 186-C:2, I.

VI. “English language learner” means a child who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who is receiving regularly scheduled English language instruction.

VII. “Pupils eligible for a free or reduced-price meal” means pupils in kindergarten through grade 12 who are eligible for the federal free or reduced-price meal program.

VIII. “School district” means school district as defined in RSA 194:1 and shall include cooperative school districts as defined in RSA 195:1, I.

2 Adequate Education; Base Cost Per Pupil. RSA 198:40-a is repealed and reenacted to read as follows:

198:40-a Adequate Education; Base Cost Per Pupil.

I. The commissioner shall determine the base cost per pupil of the opportunity for an adequate education in each school district using the most recent statewide salary data available, divided into quartiles, as follows:

(a)(1) The average of the 3rd and 4th quartiles of salary for a teacher possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(2) For a teacher teaching art, music, world languages, media/technology, health, or physical education, multiply the amount determined under subparagraph (a)(1) by .20.

(b) The average of the 3rd and 4th quartiles of salary for a principal possessing at least a master's degree and 3 years of educator experience, multiplied by 1.33, then multiply the product by 1.05.

(c) The average of the 3rd and 4th quartiles of salary for a guidance counselor possessing at least a master's degree, multiplied by 1.33, then multiply the product by 1.05.

(d) The average of the 3rd and 4th quartiles of salary for a library/media specialist possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(e) The average of the 3rd and 4th quartiles of salary for a technology coordinator possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(f) The average of the 3rd and 4th quartiles of salary for a reading specialist possessing at least a master's degree at step 2 of the teacher salary schedule for that position, multiplied by 1.33, then multiply the product by 1.05.

(g) The average of the 3rd and 4th quartiles of salary for an administrative assistant, multiplied by 1.33, then multiply the product by 1.05.

(h) The average of the 3rd and 4th quartiles of salary for a custodian, multiplied by 1.33, then multiply the product by 1.05.

II. In each biennium, the commissioner shall calculate the base cost per pupil of the opportunity for an adequate education in each school district as the sum of the following:

(a)(1) For teachers of pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(2) For teachers of pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(3) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the amount determined in subparagraph I(a)(2).

(4) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the amount determined in subparagraph I(a)(2).

(b) For principals, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for principals determined in subparagraph I(b).

(c)(1) For guidance counselors for pupils in kindergarten through grade 8, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(2) For guidance counselors for pupils in grades 9 through 12, divide the ADMR of pupils in the municipality in grades 9 through 12 by 300, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(d) For library/media specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for library/media specialists determined in subparagraph I(d).

(e) For technology coordinators, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 1,200, then multiply the result by the salary for technology coordinators determined in subparagraph I(e).

(f) For reading specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for reading specialists determined in subparagraph I(f).

(g) For administrative assistants, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for administrative assistants determined in subparagraph I(g).

(h) For custodians, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for custodians determined in subparagraph I(h).

(i) For instructional materials, multiply the ADMR of pupils in the municipality in kindergarten through grade 12 by \$130.

(j)(1) For technology costs for pupils in kindergarten through grade 8, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by \$25.

(2) For technology costs for pupils in grades 9 through 12, multiply the ADMR of pupils in the municipality in grades 9 through 12 by \$65.

(k) For transportation costs, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by \$304.

III. In addition to the base cost calculated under paragraphs I and II:

(a) An additional \$1,725 for each pupil who is in kindergarten through grade 12, who is eligible for the federal free and reduced-price meal program, and who attends a public school in which at least 12 percent of pupils reported in the school's ADMR in the determination year are eligible for the federal free and reduced-price meal program.

(b) An additional \$675 for each pupil reported in the public school's ADMR in the determination year who is an English language learner and who is receiving English language instruction.

(c) An additional \$1,856 for each pupil reported in the public school's ADMR in the determination year who is receiving special education.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be the cost of the opportunity for an adequate education in each year of the biennium.

(b) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the total amount of funds that have been allocated for each school within its jurisdiction during the fiscal year based on the sum of the school district's adequate education grant amount plus the amount available to the school district from the education tax. In addition, the department shall furnish to each municipality a report showing the municipality's cost of an adequate education sorted by a pupil's municipality of residence.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

3 Adequate Education; Provisions for Grants to Municipalities. RSA 198:40-b is repealed and reenacted to read as follows:

198:40-b Provisions for Grants to Municipalities. Each fiscal year, the commissioner of the department of education shall determine if a municipality is scheduled to receive a total education grant which is less than the total education grant received in the fiscal year ending June 30, 2011, and shall disburse to such municipality an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

4 Adequate Education; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to read as follows:

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each fiscal year the department shall provide fiscal capacity disparity aid to a municipality's school districts as follows:

(a) The department of revenue administration shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles based on equalized valuation per pupil. The quartile containing municipalities with the lowest equalized valuation per pupil shall then be divided in half.

(b) A municipality with an equalized valuation per pupil in the lower half of the lowest quartile and which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$3,360 multiplied by the municipality's average daily membership in residence.

(c) A municipality with an equalized valuation per pupil in the upper half of the lowest quartile which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$2,100 multiplied by the municipality's average daily membership in residence.

II. Aid under this section shall be distributed pursuant to RSA 198:42.

III. In this section:

(a) "Equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's average daily membership in residence, as defined in RSA 189:1-d for the determination year, provided that no kindergarten pupil shall count as more than ½ day attendance per calendar day.

(b) "Median family income" means the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce, as of October 1 preceding the beginning of the biennium for which aid is to be determined.

5 Adequate Education; Determination of Grants; Excess Tax. Amend the section heading in RSA 198:41 and RSA 198:41, I-II to read as follows:

198:41 Determination of *Education Grants* [~~and Excess Tax~~].

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the *total* education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education [*property*] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year, and from such amount; and

(c) Add the fiscal capacity disparity aid pursuant to RSA 198:40-c.

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the [~~adequate~~] *total* education grant for each municipality as the lesser of the 2 following calculations:

(a) The amount calculated in accordance with paragraph I of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the education [*property*] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

6 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:46 to read as follows:

[~~Excess Education Property Tax Payment~~]

Local Control and Alternative Kindergarten Programs

7 Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, [~~RSA 198:46;~~] and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

8 Commissioner's Warrant. Amend RSA 76:8, II to read as follows:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts [~~and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund~~]. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

9 Joint Legislative Oversight Committee on Accountability for an Adequate Education.

I.(a) There is hereby established the joint legislative oversight committee on accountability for an adequate education. The members of the committee shall be as follows:

(1) Three members of the house of representatives, which shall include 2 members of the house education committee and one member of the house finance committee, appointed by the speaker of the house of representatives.

(2) Three members of the senate, which shall include 2 members of the senate education committee and one member of the senate finance committee, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

II. The committee shall review and study the assessment and assistance methods, reporting requirements, and other methods of accountability presently being used by the department of education and local school districts to determine whether such methods, programs, and standards will ensure the delivery of an adequate education as set forth in RSA 193-E:2-a.

III. Following a public hearing, the committee shall report its findings and recommendations concerning the sufficiency of existing statutory law to provide accountability for the delivery of the opportunity for an adequate education as defined in RSA 193-E:2-a, and the possible need for additional legislation, to the governor, the speaker of the house of representatives, the president of the senate, and the state librarian no later than November 15, 2011.

10 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b) to read as follows:

(b) For any chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay [tuition] ***the greater of \$5,450 or the sum of \$2,000 plus the amount calculated*** pursuant to RSA 198:40-a [~~and RSA 198:40-c~~] directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school.

11 References Amended. Amend the following RSA sections by replacing “statewide education property tax” or “education property tax” or “education property taxes” with “education tax” or “education taxes,” as the context dictates: RSA 76:8, I; the introductory paragraph in RSA 198:57, IV, and RSA 198:57, VI(a).

12 Repeal. The following are repealed:

I. RSA 198:46, relative to excess education tax payments.

II. RSA 198:47, relative to forms used for the reporting and remitting of excess education tax payments.

III. RSA 198:39, I(g), relative to excess education tax payments deposited into the education trust fund.

13 Effective Date. This act shall take effect July 1, 2011 at 12:01 a.m.

AMENDED ANALYSIS

This bill:

I. Determines the per pupil cost of the opportunity for an adequate education which includes aid distributed to schools based on the number of pupils eligible to receive special education, or eligible for a free or reduced-price lunch, or who are English language learners.

II. Provides fiscal capacity disparity aid, in addition to aid for the cost of the opportunity for an adequate education, based on a municipality’s equalized valuation, including utilities, per pupil and median family income.

III. Provides that a municipality which is scheduled to receive an adequate education grant in a fiscal year which is less than the grant such municipality received in the 2011 fiscal year shall receive an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

IV. Repeals the statutory provisions requiring that excess education tax payments be remitted to the department of revenue administration thereby permitting municipalities to retain any excess education tax revenues.

V. Establishes a joint legislative oversight committee on accountability for an adequate education.

VI. Provides that the state shall pay the greater of \$5,450 or the sum of \$2,000 plus the amount calculated under RSA 198:40-a to chartered public school pupils.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Hess offered floor amendment (0846h).

Floor Amendment (0846h)

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-13 to read as 4-14, respectively:

3 Adequate Education; Provisions for Grants to Municipalities. RSA 198:40-b is repealed and reenacted to read as follows:

198:40-b Provisions for Grants to Municipalities.

I. For the biennium ending June 30, 2013, no municipality shall receive an adequate education grant in a fiscal year which is greater than the adequate education grant received in the fiscal year ending June 30, 2011.

II. Each fiscal year, the commissioner of the department of education shall determine if a municipality is scheduled to receive an adequate education grant which is less than the adequate education grant received in the fiscal year ending June 30, 2011, and shall disburse to such municipality an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

Amend the bill by replacing section 14 with the following:

14 Effective Date.

I. Section 4 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect July 1, 2011 at 12:01 a.m.

AMENDED ANALYSIS

This bill:

I. Determines the per pupil cost of the opportunity for an adequate education which includes aid distributed to schools based on the number of pupils eligible to receive special education, or eligible for a free or reduced-price lunch, or who are English language learners.

II. Provides fiscal capacity disparity aid, in addition to aid for the cost of the opportunity for an adequate education, based on a municipality's equalized valuation, including utilities, per pupil and median family income.

III. Provides that:

(a) For the biennium ending June 30, 2013, no municipality shall receive an adequate education grant in a fiscal year which is greater than the adequate education grant received in the 2011 fiscal year; and

(b) A municipality which is scheduled to receive an adequate education grant in a fiscal year which is less than the grant such municipality received in the 2011 fiscal year shall receive an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

IV. Repeals the statutory provisions requiring that excess education tax payments be remitted to the department of revenue administration thereby permitting municipalities to retain any excess education tax revenues.

V. Establishes a joint legislative oversight committee on accountability for an adequate education.

VI. Provides that the state shall pay the greater of \$5,450 or the sum of \$2,000 plus the amount calculated under RSA 198:40-a to chartered public school pupils.

Rep. Hess spoke in favor.

Floor amendment (0846h) adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Reps. Foose and Watters spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Ladd spoke in favor.

Rep. Gladys Johnsen requested a roll call; sufficiently seconded.

YEAS 247 NAYS 86

YEAS 247

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Bolster, Peter
Luther, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Flanders, Donald
Pilliod, James
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

CHESHIRE

Butynski, William
Emerson, Susan
Moore, Charles

Byrnes, John
Hawkes, Samuel
Moore, Robert Jr

Cartwright, Anne
Hunt, John
Roberts, Kris

Dwinell, Richard
Johnson, Jane
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbreton, Paul
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Smith, Suzanne

Gionet, Edmond
Pierce, David
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
 Belvin, William
 Brownrigg, Randall Jr
 Champagne, Norma
 Coughlin, Sean
 Doherty, Shaun
 Fredette, Robert
 Gonzalez, Carlos
 Hansen, Peter
 Hogan, Edith
 Hutchinson, Winfred
 Kurk, Neal
 Marcus, Bruce
 Mecheski, Holly
 Palmer, Stephen
 Ramsey, Peter
 Rowe, Robert
 Simmons, Tammy
 Thomas, Joseph
 Whitehead, Randall

Barry, J. Gail
 Bergevin, Jerry
 Burt, John
 Christensen, D.L. Chris
 Cusson-Cail, Kathleen
 Donovan, Daniel
 Gagne, Larry
 Graham, John
 Hardwick, Harry
 Hogan, Timothy
 Jasper, Shawn
 Lambert, George
 McCarthy, Michael
 Moran, Edward
 Pellegrino, Tony
 Reed, Michael
 Scotsas, Lisa
 Stepanek, Stephen
 Twombly, Timothy
 Willette, Robert

Barry, Richard
 Boehm, Ralph
 Buxton, Michael
 Christiansen, Lars
 Daniels, Gary
 Drisko, Richard
 Gandia, Laura
 Greazzo, Phil
 Hikel, John
 Holden, Frank
 Jeudy, Jean
 LeBrun, Donald
 McClarren, Donald
 Notter, Jeanine
 Pratt, Calvin
 Renzullo, Andrew
 Seidel, Carl
 Stroud, Kathleen
 Villeneuve, Moe

Belanger, James
 Brown, Kevin
 Cebrowski, John
 Coffey, James
 DeJong, Cameron
 Flanagan, Jack
 Gargas, Carolyn
 Haefner, Robert
 Hinch, Richard
 Hopper, Gary
 Krasucki, Joseph
 Maltz, Jonathan
 McGuinness, Sean
 Ohm, Bill
 Proulx, Mark
 Robbins, David
 Silva, Peter
 Swank, Matthew
 Warden, Mark

MERRIMACK

Blankenbaker, Lynne
 Deloge, Helen
 Hoell, J.R.
 Lauer-Rago, Kathleen
 McGuire, Dan
 Seaworth, G. Brian

Coffey, Jennifer
 DeStefano, Stephen
 Kidder, David
 Lockwood, Priscilla
 Palfrey, David
 Smith, Molly

Cohn, Seth
 Giuda, J. Brandon
 Kotowski, Frank
 McDonnell, John
 Richardson, Jon
 Smith, Todd

Cox, Sean
 Hess, David
 Kreis, Kenneth Sr
 McGuire, Carol
 Sanborn, Laurie
 Winter, Steven

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Case, Frank
 Davenport, Joshua
 Ferrante, Beverly
 Griffin, Mary
 Hutchinson, Karen
 Kolodziej, Walter
 Manuse, Andrew
 Nevins, Chris
 Packard, Sherman
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tamburello, Daniel
 Ward, Joanne
 Weyler, Kenneth

Allen, Mary
 Bettencourt, David
 Charron, Gene
 Devine, James
 Fesh, Robert
 Hagan, Joseph
 Itse, Daniel
 Lovejoy, Patricia
 Mauro, Donna
 O'Connor, John
 Peckham, Michele
 Reichard, Kevin
 Sapareto, Frank
 Smith, William
 Tremblay, Stella
 Waterhouse, Kevin

Antosz, Jason
 Birdsell, Regina
 Comerford, Timothy
 Dowling, Patricia
 Garcia, Marilinda
 Headd, James
 Kappler, Lawrence
 Lundgren, David
 McMahon, Charles
 Okerman, Richard
 Quandt, Marshall
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tucker, Pamela
 Webb, James

Azarian, Gary
 Brown, Paul
 Copeland, Timothy
 Duarte, Joe
 Garrity, James
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Major, Norman
 Murphy, Brian
 Oigny, Jeffrey
 Quandt, Matt
 Ritter, Glenn
 Sheffert, Kenneth
 Sytek, John
 Waddell, James
 Welch, David

STRAFFORD

Cataldo, Sam
 Jones, Kyle
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Jones, Laura
 Panek, William
 Vita, Lucien

Groen, Warren
 Larsen, Kirsten
 Parsons, Robbie
 Weeden, Michael

Hooper, Dorothea
 Munck, Philip
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 86 BELKNAP

None

CARROLL

None

CHESHIRE

Johnsen, Gladys
Sad, TaraLerandeau, Alfred
Sterling, Franklin JrLindsey, Steven
Tatro, BruceParkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Theberge, RobertHatch, William
Thomas, Yvonne

Merrick, Evalyn

Richardson, Herbert

GRAFTON

Almy, Susan
Harding, Laurie
Townsend, CharlesBenn, Bernard
Nordgren, Sharon
White, AndrewCooney, Mary
Pastor, BeatrizGould, Franklin
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Cote, David
Hawkins, Kenneth
Messier, Irene
Porter, Marjorie
Shaw, BarbaraBaroody, Benjamin
Gidge, Kenneth
Infantine, William
Murphy, Keith
Rhodes, Brian
Ulery, JordanBrunelle, Michael
Goley, Jeffrey
Levasseur, Nickolas
Parison, James
Rokas, Ted
Vaillancourt, SteveCampbell, David
Gorman, Mary
Long, Patrick
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Hamm, Christine
Potter, Frances
Soltani, TonyFoosse, Robert
MacKay, James
Rice, Chip
Wallner, Mary JaneFrazer, June
Owen, Derek
Richardson, Gary
Williams, RobertGile, Mary
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Bates, David
McKinney, Betsy
Read, Robin JrCali-Pitts, Jacqueline
Norelli, Terie
Schlachman, DonnaDiPentima, Rich
Pantelakos, LauraGould, Kenneth
Powers, James

STRAFFORD

Brown, Julie
Keans, Sandra
Sprague, DaleBrowne, Brendon
Roberts, Jenna
Wall, JanetGrassie, Anne
Schmidt, Peter
Watters, DavidHorrigan, Timothy
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

and the committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 247-86, it adopted the committee report of Ought to Pass with Amendment on **HB 337-FN-L**, relative to the calculation and distribution of adequate education grants.

Rep. Bettencourt spoke against.

Motion failed.

REGULAR CALENDAR (CONT'D)

HB 546, relative to the use of hand-held cellular phones while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa E. Scentsas for Transportation: The negligent driving statute already covers this type of distraction. As a committee we are going to work on this statute to be more effective. There are many distractions on the road today. We must try to make people understand that they need to be more responsible while driving. Vote 10-4.

Committee report adopted.

HB 156-FN-A, reducing the rates of the tobacco tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F. Abrami for the Majority of Ways and Means: Reducing the rate of the tobacco tax will re-establish New Hampshire's competitiveness with Maine, Massachusetts and Vermont. New Hampshire will see an increase not only in tobacco sales but in the sales of its collateral products at the lottery and at liquor stores. Small convenience store owners, large grocers and restaurants will have positive sales in relation to the lowering of the tax. The effect of those positive sales will increase our BPT and BET revenue. The lowering of this tax will create a positive ripple effect that will benefit New Hampshire's businesses and provide an increased revenue stream to the state. Vote 14-5.

Rep. Susan W. Almy for the Minority of Ways and Means: The minority believes New Hampshire's current tobacco tax rate is competitive with neighboring states and that it is unlikely a reduction of 10 cents per pack will result in increased sales sufficient to outweigh the lost revenue. The committee received competing information and studies, all funded by interested parties. While it is true tobacco sales have been on a decline for some years, the causes include not only the price of cigarettes themselves but also the rising cost of gasoline, coupled with stagnant wages, thus resulting in fewer sales to out-of-state customers. If, as some past experience has shown, the 10 cents is retained by the manufacturer, distributor, or retailer rather than being passed on to the consumer, there would be no increase in tobacco sales but the state's general fund would be reduced by what has been estimated to be \$16 million in 2012 alone. Even with a gain in sales, unlikely given the small change, the loss would be \$9 million. This includes a substantial loss statewide for non-cigarette products (OTPs: pineapple cigars, cigarette-like cigarillos, cherry snuff teabags) which finally were restored to tax parity with regular cigarettes last term, in order to stop smokers from defaulting to them to evade the tax. The bill reduces them to 78% of parity. The minority believes that this bill will only further aggravate our current budget problem.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Hamm spoke against.

Reps. Abrami and Sapareto spoke in favor and yielded to questions.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 236 NAYS 93

YEAS 236

BELKNAP

Accornero, Harry	Fields, Dennis	Flanders, Donald	Greemore, Robert
Luther, Robert	Malone, Robert	Russell, David	Simpson, Tyler
St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin	Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Tregenza, Norman	Umberger, Karen	

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Moore, Charles	Moore, Robert Jr
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Ohm, Bill
Pratt, Calvin
Renzullo, Andrew
Silva, Peter
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
McClarren, Donald
Moran, Edward
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Levasseur, Nickolas
McGuinness, Sean
Murphy, Keith
Parison, James
Ramsey, Peter
Scotsas, Lisa
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

Cox, Sean
Keane, Thomas
McDonnell, John
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Betencourt, David
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Webb, James

Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

STRAFFORD

Brown, Julie
Jones, Kyle
Newton, Clifford
Sprague, Dale

Cataldo, Sam
Jones, Laura
Panek, William
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
Parsons, Robbie
Vita, Lucien

Groen, Warren
Munck, Philip
Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 93**BELKNAP**

Bolster, Peter

Millham, Alida

Pilliod, James

CARROLL

Knox, J. David

Schmidt, Stephen

CHESHIRE

Butynski, William
Parkhurst, Henry
Tatro, Bruce

Hawkes, Samuel
Roberts, Kris
Weber, Lucy

Johnsen, Gladys
Sad, Tara

Lindsey, Steven
Smith, Edwin

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Judy, Jean
Porter, Marjorie
Shaw, Barbara

Brunelle, Michael
Gidge, Kenneth
LeBrun, Donald
Rhodes, Brian

Cote, David
Goley, Jeffrey
Long, Patrick
Rokas, Ted

Gargas, Carolyn
Gorman, Mary
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Rice, Chip
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary

Foose, Robert
Kidder, David
Patten, Dick
Shurtleff, Stephen

Frazer, June
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Gould, Kenneth
Norelli, Terie
Schlachman, Donna

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura

Case, Frank
Murphy, Brian
Powers, James

DiPentima, Rich
Nevins, Chris
Read, Robin Jr

STRAFFORD

Browne, Brendon
Keans, Sandra
Wall, Janet

Grassie, Anne
Roberts, Jenna
Watters, David

Hooper, Dorothea
Schmidt, Peter

Horrigan, Timothy
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 236-93, it adopted the majority committee report of Ought to Pass on **HB 156-FN-A**, reducing the rates of the tobacco tax.

Rep. Bettencourt spoke against.

On a division vote, 77 members having voted in the affirmative and 251 in the negative, the motion failed.

The House recessed at 12:10 p.m.

RECESS**(Speaker O'Brien in the Chair)**

The House reconvened at 1:15 p.m.

REGULAR CALENDAR (CONT'D)

HB 213-FN-A, reducing the rate of the business profits tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laurie J. Sanborn for the Majority of Ways and Means: This bill, as amended, reduces the current New Hampshire business profits tax rate from 8.5% to 8.25% effective 7/1/11, and to 8% effective 7/1/12. Currently, New Hampshire is ranked 50th (last) in terms of corporate taxes by the tax foundation. This bill makes our state markedly more competitive and attractive to businesses. At a time when other states are reducing their corporate tax rates, New Hampshire needs to send a clear message that we welcome responsible business growth and success, so they can create jobs and build the economic base. Vote 14-5.

Rep. William A. Hatch for the Minority of Ways and Means: The purpose of this bill is to reduce the Business Profits Tax from the current 8.5% to 8.25% for the business profits tax of every business organization's business profit tax. The majority reasons this will help many small businesses and spur investments and help them create jobs. The majority also considers this a step in making New Hampshire more attractive for business to locate in. The majority recognizes the fiscal note indicates that revenue loss will be at least \$9.2 million for FY 2012 and indeterminable amounts thereafter but will be more than made up for by the job growth it creates. The minority does not believe that to create considerable revenue loss again and without any plan for replacement or cuts to accommodate the loss is irresponsible. The minority also questions if our small businesses are a beneficiary of this cut. Reason and testimony from a large CPA firm indicate that the large companies and large box stores gain the most benefit when you consider that these companies base employment level on need and investment in an area on the business realized the minority questions how much job growth this type of tax cut will bring. The minority agrees that we should do as much as possible to make New Hampshire an attractive place for businesses to locate because of the economic and job growth it provides, but questions the wisdom of doing many indiscriminate tax cuts without revenue replacement or exact expenditure cuts. It is agreed by many economists that the issues that drive a company to locate in one area over another, educated work force, infrastructure concerns such as transportation, the cost of utilities, quality of life issues and housing are greater than the tax structure provided the taxes of a state are stable and not unreasonable. When you consider New Hampshire is considered not to have an overbearing tax structure for business and is high on the list as a desirable place to locate the minority believes it is unwise to take away the revenues needed to provide the education and infrastructure needs that make it attractive for companies. The minority also argues that considering we are only halfway through the term of the governor's commission to study business taxes, which is charged to do a review of the state's business tax structure and recommend changes, it would be sensible to wait for the report prior to making these major changes in business taxes.

Majority Amendment (0355h)

Amend the bill by replacing sections 1-2 with the following:

1 Business Profits Tax; Rate Reduced; July 1, 2011. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [8.5] 8.25 percent upon the taxable business profits of every business organization.

2 Business Profits Tax; Rate Reduced; July 1, 2012. Amend RSA 77-A:2 to read as follows:
 77-A:2 Imposition of Tax. A tax is imposed at the rate of [8-25] 8 percent upon the taxable business profits of every business organization.
 Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
 Reps. Hatch and Almy spoke against.
 Reps. Sanborn and Stepanek spoke in favor.
 Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 233 NAYS 75

YEAS 233

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Moore, Charles	Moore, Robert Jr	Sterling, Franklin Jr

COOS

Daugherty, Duffy	Rappaport, Laurence	Tholl, John Jr	Tremblay, Marc
------------------	---------------------	----------------	----------------

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbreton, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christensen, D.L. Chris	Coffey, James	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gargas, Carolyn
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Hogan, Timothy	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Stephen	Parison, James	Pellegrino, Tony
Pratt, Calvin	Proulx, Mark	Reed, Michael	Robbins, David
Rowe, Robert	Scoutsas, Lisa	Seidel, Carl	Silva, Peter
Simmons, Tammy	Soucy, Connie	Stepanek, Stephen	Stroud, Kathleen
Swank, Matthew	Thomas, Joseph	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	Whitehead, Randall
Willette, Robert			

MERRIMACK

Blankenbaker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Soltani, Tony

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Seaworth, G. Brian

Cox, Sean
Keane, Thomas
McDonnell, John
Patten, Dick
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Ferrante, Beverly
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Smith, William
Tasker, Kyle
Webb, James

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tremblay, Stella
Welch, David

Antosz, Jason
Bettencourt, David
Charron, Gene
Devine, James
Griffin, Mary
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sytek, John
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Hagan, Joseph
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

STRAFFORD

Cataldo, Sam
Larsen, Kirsten
Parsons, Robbie
Vita, Lucien

Groen, Warren
Munck, Philip
Pitre, Joseph
Watters, David

Jones, Kyle
Newton, Clifford
Sprague, Dale
Weeden, Michael

Jones, Laura
Panek, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 75**BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry

Johnsen, Gladys
Sad, Tara

Lerandeau, Alfred
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

Gould, Franklin
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Goley, Jeffrey
Messier, Irene
Rosenwald, Cindy

Brunelle, Michael
Gorman, Mary
Pilotte, Maurice
Shaw, Barbara

Cote, David
Jeuzy, Jean
Porter, Marjorie

Gidge, Kenneth
Long, Patrick
Rhodes, Brian

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Richardson, Gary

Deloge, Helen
Hamm, Christine
Owen, Derek
Shurtleff, Stephen

DeStefano, Stephen
Kidder, David
Potter, Frances
Wallner, Mary Jane

Foose, Robert
Lockwood, Priscilla
Rice, Chip
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie

DiPentima, Rich
Pantelakos, Laura

Gould, Kenneth
Powers, James

Lovejoy, Patricia
Schlachman, Donna

STRAFFORD

Brown, Julie
Horrigan, Timothy
Wall, Janet

Browne, Brendon
Keans, Sandra

Grassie, Anne
Roberts, Jenna

Hooper, Dorothea
Schmidt, Peter

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

Reps. Garcia and Jane Johnson did not vote and notified the Clerk that they wished to be recorded in favor.

LAID ON THE TABLE

Rep. Stepanek moved that **HB 213-FN-A**, reducing the rate of the business profits tax, be laid on the table.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 194 NAYS 118**YEAS 194****BELKNAP**

Accornero, Harry
Greemore, Robert
Russell, David

Bolster, Peter
Luther, Robert
Simpson, Tyler

Fields, Dennis
Malone, Robert
Tilton, Franklin

Flanders, Donald
Millham, Alida
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Tregenza, Norman

Fleck, Joseph
Merrow, Harry
Umberger, Karen

CHESHIRE

Butynski, William
Hunt, John

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Sterling, Franklin Jr

Dwinell, Richard

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Christensen, D.L. Chris
Doherty, Shaun
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Pratt, Calvin
Seidel, Carl
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Barry, Richard
Buxton, Michael
Coffey, James
Donovan, Daniel
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Messier, Irene
Palmer, Stephen
Proulx, Mark
Silva, Peter
Swank, Matthew
Vaillancourt, Steve

Belanger, James
Cebrowski, John
Cusson-Cail, Kathleen
Drisko, Richard
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Parison, James
Robbins, David
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

Belvin, William
Champagne, Norma
Daniels, Gary
Gagne, Larry
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Pellegrino, Tony
Rowe, Robert
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hess, David
Lockwood, Priscilla
Palfrey, David

Cohn, Seth
Keane, Thomas
McDonnell, John
Smith, Todd

Cox, Sean
Kotowski, Frank
McGuire, Carol
Winter, Steven

Giuda, J. Brandon
Lauer-Rago, Kathleen
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Devine, James
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
Nevins, Chris
Quandt, Matt
Sapareto, Frank
Sullivan, James
Ward, Joanne

Allen, Mary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Garrity, James
Headd, James
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Reagan, John
Sedensky, John
Sytek, John
Waterhouse, Kevin

Antosz, Jason
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Oigny, Jeffrey
Ritter, Glenn
Shuler, Wyman III
Tasker, Kyle
Welch, David

Azarian, Gary
Brown, Paul
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Lundgren, David
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Brown, Julie
Munck, Philip
Vita, Carol

Cataldo, Sam
Newton, Clifford
Vita, Lucien

Groen, Warren
Pitre, Joseph

Larsen, Kirsten
Sprague, Dale

SULLIVAN

Bowers, Spec
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr

Laware, Thomas

NAYS 118**BELKNAP**

Pilliod, James

St. Cyr, Jeffrey

Swinford, Elaine

CARROLL

Pettengill, Laurie

CHESHIRE

Emerson, Susan
Lindsey, Steven
Tatro, Bruce

Hawkes, Samuel
Moore, Charles
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry

Lerandeau, Alfred
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

Gould, Franklin
Smith, Suzanne

HILLSBOROUGH

Avard, Kevin
Brunelle, Michael
Fredette, Robert
Gorman, Mary
Long, Patrick
Reed, Michael
Scotsas, Lisa

Baroody, Benjamin
Burt, John
Garritty, Patrick
Greazzo, Phil
Murphy, Keith
Rhodes, Brian
Shaw, Barbara

Barry, J. Gail
Cote, David
Gidge, Kenneth
Holden, Frank
Pilotte, Maurice
Rokas, Ted
Soucy, Connie

Bergevin, Jerry
DeJong, Cameron
Goley, Jeffrey
Jeudy, Jean
Porter, Marjorie
Rosenwald, Cindy
Warden, Mark

MERRIMACK

Bouchard, Candace
Foose, Robert
Kidder, David
Patten, Dick
Richardson, Jon
Soltani, Tony

Coffey, Jennifer
Gile, Mary
Kreis, Kenneth Sr
Potter, Frances
Sanborn, Laurie
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
MacKay, James
Rice, Chip
Seaworth, G. Brian
Williams, Robert

DeStefano, Stephen
Hoell, J.R.
Owen, Derek
Richardson, Gary
Shurtleff, Stephen

ROCKINGHAM

Baldasaro, Alfred
Hutchinson, Karen
Okerman, Richard
Reichard, Kevin
Webb, James

Call-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura
Rice, Frederick

Charron, Gene
Manuse, Andrew
Peckham, Michele
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Powers, James
Tamburello, Daniel

STRAFFORD

Browne, Brendon
Jones, Kyle
Parsons, Robbie
Watters, David

Grassie, Anne
Jones, Laura
Roberts, Jenna
Weeden, Michael

Hooper, Dorothea
Keans, Sandra
Schmidt, Peter

Horrigan, Timothy
Panek, William
Wall, Janet

SULLIVAN

Cloutier, John
Schmidt, Andrew

Cunningham, Steven
Smith, Steven

Gagnon, Raymond

Lovett, Charlene

and the motion was adopted.

Reps. Garcia and Jane Johnson did not vote and notified the Clerk that they wished to be recorded in favor.

REGULAR CALENDAR (CONT'D)

HB 229-FN-A, repealing the tax on gambling winnings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means: This bill will repeal the tax on gambling winnings. The committee was unanimous in its belief that the gambling tax has done harm to our lottery sales as well as our various racing enterprises and thus revenue. The evidence shows that the revenue gain from the increased lottery sales and race betting will more than off-set the lost revenue from the gambling tax. Both the lottery commission and the racing and charitable gaming commission supported this bill. The bill was amended to go into effect 14 days after its enactment, instead of upon enactment, thus providing the various agencies the time needed to modify the pertinent software code. Vote 19-0.

Amendment (0515h)

Amend the bill by replacing all after section 2 with the following:

3 Applicability. This act shall apply to all gambling winnings received on or after the effective date of this act.

4 Effective Date. This act shall take effect 14 days after its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 277-FN, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund. **OUGHT TO PASS.**

Rep. Gary S. Azarian for Ways and Means: This bill requires fees collected under the Unified Carrier Registration System to be deposited into the highway fund. The federal government requires that fees collected under the Unified Carrier System be deposited into the highway fund and not into the general fund as has been done previously. This is merely a housekeeping bill to become compliant with the federal requirement. Vote 19-0.

Committee report adopted and ordered to third reading.

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank V. Sapareto for the Majority of Ways and Means: This bill leaves a \$50,000 safe-harbor deduction as reasonable compensation just as in current law. It also moves the burden of proof from the department of revenue administration for determining what is reasonable compensation, from the taxpayer to the department. It provides for definite proof of the amount deducted under IRS Code 162A and allows the commissioner to disallow the deduction only under the terms of excessive gross distributions. This definition of what is reasonable is the same as what existed in the state from 1973 to 1993. Overall, this bill brings us back to the business friendly and fair application of the reasonable compensation deduction on the LLC tax. Vote 16-4.

Rep. William A. Hatch for the Minority of Ways and Means: This bill, as amended, changes the standards and burden of proof for the business profits tax deduction for reasonable compensation for owners of partnerships, LLC's and sole proprietorships. This bill states a taxpayer claiming a deduction for an owners compensation need only to show one or more proprietors, partners or members provided actual services to the business organization at any time during the taxable period. Once a taxpayer has satisfied this burden of proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the taxpayer is grossly excessive. This bill shifts the burden of proof for compensation deductions from the taxpayer to the DRA from the onset. The majority states this is necessary to stop excessive auditing by the DRA over this issue. The majority also believes that in recent audits business owners are not allowed to deduct the full and fair value of their services to their small business to determine the business profits tax. The majority good tax policy requires tax rules that provide taxpayers with clear guidance that encourages compliance. Based on 2008 tax returns, the fiscal note indicates the revenue was \$49 million for this tax which equals the maximum loss exposure. The DRA states in reality the revenue loss would be somewhere in the middle which would equate to the neighborhood of 25 million. The majority did not express any concern over the revenue loss. The minority believes this change is not good tax policy and should not go forward. The minority is very concerned with the burden of proof issue and believes this alone will effectively eliminate the business profit tax paid by these businesses. In any other area of tax law the burden of proof belongs with the tax payer until there is adjudication and for good reason. The DRA does not have the company records that would give them the necessary information to contest a compensation deduction on file, there for take away any bases except by subpoena. The minority is also concerned this may bring our business tax structure back into the courts because it will create a disproportionate business tax structure for our larger corporations. The minority is also very concerned with the revenue loss this bill creates. Though it is impossible to determine the exact loss, it is agreed the loss will be several millions which again limits the state's ability to provide the necessary services, an ability that the minority believes is at the breaking point.

Majority Amendment (0757h)

Amend RSA 77-A:4, III as inserted by section 2 of the bill by replacing it with the following:

III.(a) In the case of a proprietorship, partnership, or limited liability company filing a business profits tax return as a proprietorship or a partnership, a deduction equal to a fair and reasonable compensation for the personal services of a natural person who is a proprietor, partner, or member provided to the business organization, provided, under this chapter however, that the amount of such deduction shall not reduce such business organization's tax to less than zero. The purpose of this paragraph is to permit a deduction from gross business profits of such a proprietorship, partnership, or limited liability company of all amounts that are fairly attributable to the personal services of the proprietor, partner, or member. Such amounts shall generally include all amounts reported as earned income on federal tax returns, but shall also include amounts attributable to personal services provided in connection with the operation and rental of real property, the sale of property and services, and other amounts due to services rendered.

(b) Subject to the provisions of subparagraph (c) which establishes a record-keeping safe harbor, one method of determining the amount of the deduction allowed under this paragraph shall be by using the standards set forth in section 162(a)(1) of the United States Internal Revenue Code, as it may be amended from time to time, and the Treasury Regulations, administrative rulings, and judicial cases issued thereunder.

(c) In lieu of substantiating the value of the personal services of proprietors, partners, or members, a business organization or group of related business organizations may elect, as a record-keeping safe-harbor, to deduct up to \$50,000 as total compensation for the tax year;

(d)(1) In this paragraph, "record-keeping safe harbor" means that amount of compensation for personal services claimed by a business organization which does not need to be substantiated by any evidence, records, or legal or regulatory authority, except as provided in subparagraph (e).

(2) Notwithstanding subparagraph III(d)(1), the record-keeping safe harbor shall not be relevant or admissible for any purpose in determining whether a compensation deduction claimed in an amount in excess of any such record-keeping safe harbor is fair and reasonable.

(e) A business organization or group of related business organizations may elect the record-keeping safe-harbor option in subparagraph III(c) without a redetermination of the reasonableness of the deduction by the commissioner. Any such deduction claimed by the business organization or group of related business organizations shall not be subject to challenge; provided, that upon request, the business organization or group of related business organizations shall be required to substantiate that the proprietor or at least one partner or member performed personal services for the business organization or group of related business organizations.

(f) Related business organizations electing not to substantiate the extent of the personal services of their proprietors, partners, and members, shall be limited to the safe harbor deduction, less any owners' compensation taken on the federal tax returns of corporate members of the group, allocated among the related business organizations. For the purposes of RSA 77-A:4, III, "related business organizations" are unitary business organizations and business organizations that would qualify as unitary but for the fact that they conduct business only within the state.

(g) A taxpayer claiming a deduction under this paragraph shall bear the burden of proving that at least one or more proprietors, partners, or members provided actual services to the business organization at any time during the taxable period. Once a taxpayer has satisfied this burden of proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the taxpayer is grossly excessive. Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 5-6, respectively:

3 New Paragraph; Appeal for Redetermination or Reconsideration; Procedure. Amend RSA 21-J:28-b by inserting after paragraph VII the following new paragraph:

VIII. The department shall bear the burden of proof on any change to any compensation deduction under RSA 77-A finally determined to be due after January 1, 2011.

4 New Section; Interest and Dividends Tax; Excess Compensation. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Dividend. Excess compensation determined by audit of the department shall not be considered a dividend under this chapter unless such determination is accepted by the Internal Revenue Service.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
 Rep. Sapareto spoke in favor.
 Rep. Hatch spoke against.
 Rep. Hess spoke in favor and yielded to questions.
 Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 238 NAYS 77

YEAS 238

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Moore, Charles	Moore, Robert Jr
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Rappaport, Laurence	Tholl, John Jr	Tremblay, Marc
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GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Burt, John
Buxton, Michael	Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris
Christiansen, Lars	Coffey, James	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Fredette, Robert	Gagne, Larry	Gargas, Carolyn	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
Lambert, George	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Moran, Edward
Murphy, Keith	Notter, Jeanine	Ohm, Bill	Palmer, Stephen
Parison, James	Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin
Proulx, Mark	Reed, Michael	Renzullo, Andrew	Robbins, David
Rowe, Robert	Scontsas, Lisa	Seidel, Carl	Silva, Peter
Simmons, Tammy	Soucy, Connie	Stepanek, Stephen	Stroud, Kathleen
Swank, Matthew	Thomas, Joseph	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	Whitehead, Randall
Willette, Robert			

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
Giuda, J. Brandon	Hess, David	Hoell, J.R.	Keane, Thomas

Kidder, David
McGuire, Carol
Richardson, Jon
Smith, Todd

Kotowski, Frank
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Kreis, Kenneth Sr
Palfrey, David
Seaworth, G. Brian
Winter, Steven

McDonnell, John
Patten, Dick
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Smith, William
Tasker, Kyle
Webb, James

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tremblay, Stella
Welch, David

Antosz, Jason
Bettencourt, David
Charron, Gene
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sytek, John
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oligny, Jeffrey
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

STRAFFORD

Cataldo, Sam
Larsen, Kirsten
Parsons, Robbie
Vita, Lucien

Groen, Warren
Munck, Philip
Pitre, Joseph
Weeden, Michael

Jones, Kyle
Newton, Clifford
Sprague, Dale

Jones, Laura
Panek, William
Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 77

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry

Johnsen, Gladys
Sad, Tara

Lerandeau, Alfred
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

Gould, Franklin
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Long, Patrick
Rhodes, Brian

Brunelle, Michael
Goley, Jeffrey
Messier, Irene
Rokas, Ted

Cote, David
Gorman, Mary
Pilotte, Maurice
Rosenwald, Cindy

Garrity, Patrick
Jeudy, Jean
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Lockwood, Priscilla
Rice, Chip
Williams, Robert

Foose, Robert
MacKay, James
Richardson, Gary

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie

DiPentima, Rich
Pantelakos, Laura

Gould, Kenneth
Powers, James

Lovejoy, Patricia

STRAFFORD

Brown, Julie
Horrigan, Timothy
Spang, Judith

Browne, Brendon
Keans, Sandra
Wall, Janet

Grassie, Anne
Roberts, Jenna
Watters, David

Hooper, Dorothea
Schmidt, Peter

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Stepanek moved that the House reconsider its action whereby, on a roll call vote of 238-77, it adopted the majority committee report of Ought to Pass with Amendment on **HB 557-FN-A**, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

Rep. Stepanek spoke against.

On a division vote, 72 members having voted in the affirmative and 243 in the negative, the motion failed.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 562, relative to overdraft fees charged by banks. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill limits overdraft fees by banks to \$50. The bill looks to solve a problem that does not exist. Customers are properly noticed and aware that if they spend more than they have, they will be charged fees. This bill would have also only impacted state banks and had no effect on the larger banks across the state that are not New Hampshire based. Vote 14-0.

Committee report adopted.

HB 577, relative to the use of foreign languages by retail establishments. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill requires establishments that provide in-store aisle marking or directions in a foreign language to provide such signs in the six official languages of the United Nation. This bill creates an unfair burden on private businesses especially those that may cater to foreign retail items such as Gaelic shops or Japanese or Korean grocery stores. Vote 16-0.

LAI D ON THE TABLE

Rep. Jennifer Coffey moved that **HB 577**, relative to the use of foreign languages by retail establishments, be laid on the table.

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 192 NAYS 105

**YEAS 192
BELKNAP**

Accornero, Harry
Luther, Robert
Russell, David

Fields, Dennis
Malone, Robert
Simpson, Tyler

Flanders, Donald
Millham, Alida
Swinford, Elaine

Greemore, Robert
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Morrow, Harry
Tregenza, Norman

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Pettengill, Laurie

McConkey, Mark
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sorg, Gregory

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Burt, John
Christiansen, Lars
Doherty, Shaun
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Infantine, William
LeBrun, Donald
Mecheski, Holly
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Balboni, Michael
Buxton, Michael
Coffey, James
Donovan, Daniel
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Messier, Irene
Pratt, Calvin
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Champagne, Norma
Cusson-Cail, Kathleen
Drisko, Richard
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

Bergevin, Jerry
Christensen, D.L. Chris
Daniels, Gary
Gagne, Larry
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Lambert, George
McGuinness, Sean
Ohm, Bill
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
Palfrey, David
Soltani, Tony

Coffey, Jennifer
Hess, David
Lockwood, Priscilla
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Hoell, J.R.
McDonnell, John
Smith, Molly

Cox, Sean
Kidder, David
McGuire, Carol
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Manuse, Andrew
O'Connor, John
Peckham, Michele
Rice, Frederick
Sedensky, John
Tasker, Kyle
Webb, James

Antosz, Jason
Bettencourt, David
Charron, Gene
Devine, James
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Mauro, Donna
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tremblay, Stella
Welch, David

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Sullivan, James
Ward, Joanne

Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garrity, James
Hutchinson, Karen
Major, Norman
Nevins, Chris
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Tamburello, Daniel
Waterhouse, Kevin

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Brown, Julie
Jones, Laura
Pitre, Joseph

Cataldo, Sam
Keans, Sandra

Groen, Warren
Munck, Philip

Jones, Kyle
Newton, Clifford

SULLIVAN

Bowers, Spec
Smith, Steven

Cunningham, Steven

Laware, Thomas

Osgood, Joe

**NAYS 105
BELKNAP**

Bolster, Peter

St. Cyr, Jeffrey

CARROLL

Babson, David Jr

Knox, J. David

McCarthy, Frank

CHESHIRE

Butynski, William
Parkhurst, Henry

Hawkes, Samuel
Sad, Tara

Johnsen, Gladys
Tatro, Bruce

Lindsey, Steven
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William
Tremblay, Marc

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Ladd, Rick Jr
Taylor, Kathleen

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
DeJong, Cameron
Gidge, Kenneth
Judy, Jean
Murphy, Keith
Pilotte, Maurice
Rosenwald, Cindy

Belanger, James
Fredette, Robert
Goley, Jeffrey
Long, Patrick
Palmer, Stephen
Porter, Marjorie
Shaw, Barbara

Brunelle, Michael
Gargas, Carolyn
Gorman, Mary
Marcus, Bruce
Parison, James
Rhodes, Brian

Cote, David
Garrry, Patrick
Holden, Frank
Moran, Edward
Pellegrino, Tony
Rokas, Ted

MERRIMACK

Bouchard, Candace
Gile, Mary
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
Patten, Dick
Richardson, Jon
Williams, Robert

DeStefano, Stephen
Kreis, Kenneth Sr
Potter, Frances
Sanborn, Laurie

Foose, Robert
MacKay, James
Rice, Chip
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Sytek, John

Gould, Kenneth
Pantelakos, Laura

Hagan, Joseph
Powers, James

STRAFFORD

Grassie, Anne
Panek, William
Spang, Judith
Wall, Janet

Hooper, Dorothea
Parsons, Robbie
Sprague, Dale
Watters, David

Horrigan, Timothy
Roberts, Jenna
Vita, Carol
Weeden, Michael

Larsen, Kirsten
Schmidt, Peter
Vita, Lucien

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

LaCasse, Paul Sr

Lovett, Charlene

and the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 617, repealing the prohibitions on Sunday business activities. **OUGHT TO PASS.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill repeals the chapter prohibiting certain business activities on Sunday. This is an outdated law that the committee believes should be repealed as all businesses should be on equal terms of operations with each other, and we will decrease the size of our statutes as well as over regulation of businesses by the state. Vote 15-0. Committee report adopted and ordered to third reading.

HB 453-FN-L, making persons fleeing to avoid prosecution or custody or violating parole or probation ineligible to receive certain disability aid. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety: The committee felt this bill would add bureaucratic requirements to an already-overburdened department. Supporters didn't demonstrate a real need for the legislation. According to a representative from the department of health and human services (DHHS), the number of cases that would fall into this new regulation would be approximately 1/10 of 1% of total cases, making it insignificant and unnecessary. By including in regulation what is illegal in other states and at the federal level, constantly changing criteria would make enforcement difficult. Vote 14-3.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 282 NAYS 3**YEAS 282****BELKNAP**

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

CHESHIRE

Butynski, William
Hawkes, Samuel
Lindsey, Steven
Sad, Tara
Weber, Lucy

Byrnes, John
Hunt, John
Moore, Charles
Smith, Edwin

Cartwright, Anne
Johnsen, Gladys
Moore, Robert Jr
Sterling, Franklin Jr

Dwinell, Richard
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Tholl, John Jr

Daugherty, Duffy
Thomas, Yvonne

Rappaport, Laurence
Tremblay, Marc

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Ingbretson, Paul
Reilly, Harold Sr
Townsend, Charles

Bradley, Lester
Gionet, Edmond
Ladd, Rick Jr
Smith, Suzanne
White, Andrew

Brosseau, Charles
Gould, Franklin
Mirski, Paul
Sorg, Gregory

Bulis, Lyle
Harding, Laurie
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Champagne, Norma
Cote, David
Doherty, Shaun
Gagne, Larry

Balboni, Michael
Brunelle, Michael
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Gargas, Carolyn

Barry, J. Gail
Burt, John
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Garritty, Patrick

Belanger, James
Buxton, Michael
Coffey, James
DeJong, Cameron
Fredette, Robert
Gidge, Kenneth

Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Stephen
Pilotte, Maurice
Reed, Michael
Rokas, Ted
Shaw, Barbara
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Gonzalez, Carlos
Haefner, Robert
Hikel, John
Holden, Frank
Judy, Jean
Long, Patrick
McGuinness, Sean
Murphy, Keith
Parison, James
Porter, Marjorie
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

Gorman, Mary
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Pratt, Calvin
Rhodes, Brian
Scotsas, Lisa
Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
Marcus, Bruce
Messier, Irene
Ohm, Bill
Peterson, Lenette
Proulx, Mark
Robbins, David
Seidel, Carl
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Patten, Dick
Sanborn, Laurie
Smith, Todd
Winter, Steven

Bouchard, Candace
Deloge, Helen
Hamm, Christine
Kreis, Kenneth Sr
McGuire, Carol
Rice, Chip
Seaworth, G. Brian
Soltani, Tony

Coffey, Jennifer
DeStefano, Stephen
Hoell, J.R.
Lockwood, Priscilla
Owen, Derek
Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

Cohn, Seth
Gile, Mary
Kidder, David
MacKay, James
Palfrey, David
Richardson, Jon
Smith, Molly
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Bates, David
Cali-Pitts, Jacqueline
Copeland, Timothy
Duarte, Joe
Garrity, James
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Norelli, Terie
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tremblay, Stella
Welch, David

Antosz, Jason
Bettencourt, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Charron, Gene
Devine, James
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Lovejoy, Patricia
McKinney, Betsy
Okerman, Richard
Powers, James
Rice, Frederick
Schlachman, Donna
Tamburello, Daniel
Waterhouse, Kevin

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
DiPentima, Rich
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Major, Norman
Nevins, Chris
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sedensky, John
Tasker, Kyle
Webb, James

STRAFFORD

Cataldo, Sam
Horrigan, Timothy
Larsen, Kirsten
Parsons, Robbie
Spang, Judith
Wall, Janet

Grassie, Anne
Jones, Kyle
Munck, Philip
Pitre, Joseph
Sprague, Dale
Watters, David

Groen, Warren
Jones, Laura
Newton, Clifford
Roberts, Jenna
Vita, Carol
Weeden, Michael

Hooper, Dorothea
Keans, Sandra
Panek, William
Schmidt, Peter
Vita, Lucien

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Schmidt, Andrew

Cloutier, John
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Gagnon, Raymond
Osgood, Joe

NAYS 3
BELKNAP

None

CARROLL

None

CHESHIRE

Emerson, Susan

COOS

None

GRAFTON

None

HILLSBOROUGH

None

MERRIMACK

Potter, Frances

ROCKINGHAM

None

STRAFFORD

Brown, Julie

SULLIVAN

None

and the committee report was adopted.

Rep. Merrick did not vote and notified the Clerk that she wished to be recorded in favor.

HB 552, establishing a committee to study repealing the revisions to the law implemented by SB 500-FN of the 2010 legislative session. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill would establish a committee to study repealing the provisions of SB 500 which was enacted last session. The committee believes that this study is unnecessary because separate legislation exists this session which specifically addresses the perceived deficiencies of SB 500 and which can be used as vehicles to amend the law. Therefore, further study is not needed at this time and the committee recommends inexpedient to legislate. Vote 15-1.

Committee report adopted.

HB 421, relative to candidates for United States senator. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for Election Law: This bill, as originally submitted, required members of the General Court to nominate candidates for United States senator. The 17th Amendment to the US Constitution took away state legislatures' involvement in the election of US senators. Part 1, Article 11 of the New Hampshire constitution guarantees the equal right of a citizen to be elected to office. Permitting only the political parties' favorites to file for office violates this guarantee. HB 421 would deprive the people of the power the 17th Amendment guarantees them. Vote 18-0. Rep. Pierce spoke against.

LAI D ON THE TABLE

Rep. Bettencourt moved that **HB 421**, relative to candidates for United States senator, be laid on the table.

On a division vote, 204 members having voted in the affirmative and 81 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 484-FN, requiring random drug testing of food stamp program participants. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The sponsors of this bill demonstrated a laudable concern about drug use among our citizens and its impact on society. However, this legislation contains several defects that render it Inexpedient to Legislate. The department of health and human services, in the fiscal note, clearly states that mandatory drug testing is prohibited by the federal supplemental nutrition assistance program (SNAP). In addition, a senior attorney from the office of the attorney general cited several concerns about the constitutionality of the legislation. The fiscal note indicated that the cost of implementing this program could range from 3.5 to over 7 million dollars. This legislation could have the unintended consequences of family members, including minors, deprived of food stamp assistance. Lastly, the state has a long history of advocating for treating individuals with substance use and mental illness. Perhaps more thought could be given to ways to identify methods to involve these individuals in appropriate treatment services. Vote 16-1.

LAID ON THE TABLE

Rep. Reagan moved that **HB 484-FN**, requiring random drug testing of food stamp program participants, be laid in the table.

Rep. Pilotte requested a roll call; sufficiently seconded.

YEAS 208 NAYS 75**YEAS 208****BELKNAP**

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Merrick, Evalyn	Rappaport, Laurence	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Sorg, Gregory			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Belanger, James
Bergevin, Jerry	Burt, John	Buxton, Michael	Champagne, Norma
Christensen, D.L. Chris	Christiansen, Lars	Coffey, James	Cusson-Cail, Kathleen
Daniels, Gary	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Fredette, Robert	Gagne, Larry	Gonzalez, Carlos
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith

Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Holden, Frank
Jeudy, Jean
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Hutchinson, Winfred
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

Infantine, William
Lambert, George
McClarren, Donald
Murphy, Keith
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
McDonnell, John
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
Kidder, David
McGuire, Carol
Smith, Molly

Cox, Sean
Kotowski, Frank
Palfrey, David
Smith, Todd

Giuda, J. Brandon
Lockwood, Priscilla
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Mauro, Donna
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Sullivan, James
Ward, Joanne

Antosz, Jason
Bettencourt, David
Charron, Gene
Devine, James
Fesh, Robert
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Nevins, Chris
Packard, Sherman
Reichard, Kevin
Sedensky, John
Tasker, Kyle
Webb, James

Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garrity, James
Hutchinson, Karen
Major, Norman
O'Connor, John
Peckham, Michele
Rice, Frederick
Shuler, Wyman III
Tremblay, Stella
Welch, David

STRAFFORD

Brown, Julie
Jones, Laura
Pitre, Joseph
Weeden, Michael

Cataldo, Sam
Munck, Philip
Sprague, Dale

Groen, Warren
Newton, Clifford
Vita, Carol

Jones, Kyle
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr

Laware, Thomas

NAYS 75 BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Moore, Charles
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry

Johnsen, Gladys
Sad, Tara

Lindsey, Steven
Tatro, Bruce

COOS

Coulombe, Gary

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Almy, Susan	Cooney, Mary	Gould, Franklin	Harding, Laurie
Pierce, David	Smith, Suzanne	Townsend, Charles	White, Andrew

HILLSBOROUGH

Brunelle, Michael	Cote, David	Gargas, Carolyn	Garrity, Patrick
Goley, Jeffrey	Gorman, Mary	Graham, John	Long, Patrick
Moran, Edward	Pilote, Maurice	Porter, Marjorie	Rhodes, Brian
Rokas, Ted	Shaw, Barbara		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Gile, Mary
Hamm, Christine	MacKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Richardson, Jon
Shurtleff, Stephen	Wallner, Mary Jane	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Gould, Kenneth	Hagan, Joseph
Lovejoy, Patricia	Manuse, Andrew	Norelli, Terie	Powers, James
Schlachman, Donna			

STRAFFORD

Grassie, Anne	Hooper, Dorothea	Horriggan, Timothy	Keans, Sandra
Larsen, Kirsten	Parsons, Robbie	Roberts, Jenna	Schmidt, Peter
Spang, Judith	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Schmidt, Andrew	Smith, Steven
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and the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 485-FN, relative to requiring photo identification for food stamp program participants. **INEX-PEDIENT TO LEGISLATE.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: This bill would mandate the use of photo identification "for continued eligibility" in the food stamp program. In essence, the eligible food stamp recipient would be required to provide a photo ID along with the electronic benefits transfer (EBT) card, e.g. to retail goods stores or meal services. It is not possible to place a picture of the recipient on the EBT card. In addition, federal regulation would require a photo ID for every family member. This legislation would require the issuance of upwards of 112,293 photo ID's with an approximate cost of \$90,000. Since the food stamp program is 100% federally funded, any savings would not accrue to the State of New Hampshire. Vote 16-1.

LAID ON THE TABLE

Rep. Reagan moved that ***HB 485-FN***, relative to requiring photo identification for food stamp program participants, be laid on the table.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 212 NAYS 74**YEAS 212****BELKNAP**

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Merrick, Evalyn

Rappaport, Laurence

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Ladd, Rick Jr

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Christensen, D.L. Chris
Daniels, Gary
Drisko, Richard
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Balboni, Michael
Burt, John
Christiansen, Lars
DeJong, Cameron
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Barry, J. Gail
Buxton, Michael
Coffey, James
Doherty, Shaun
Gagne, Larry
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

Belanger, James
Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Gargasz, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Murphy, Keith
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Lockwood, Priscilla
Sanborn, Laurie
Soltani, Tony

Coffey, Jennifer
Hoell, J.R.
McDonnell, John
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Kidder, David
McGuire, Carol
Smith, Molly

Cox, Sean
Kotowski, Frank
Palfrey, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Mauro, Donna
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tremblay, Stella
Welch, David

Antosz, Jason
Bettencourt, David
Charron, Gene
Devine, James
Fesh, Robert
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Sullivan, James
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Nevins, Chris
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Tamburello, Daniel
Waterhouse, Kevin

Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garrity, James
Hutchinson, Karen
Major, Norman
O'Connor, John
Peckham, Michele
Rice, Frederick
Sedensky, John
Tasker, Kyle
Webb, James

STRAFFORD

Brown, Julie
Jones, Laura
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

Jones, Kyle
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr

Laware, Thomas

NAYS 74
BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Parkhurst, Henry

Hawkes, Samuel
Sad, Tara

Johnsen, Gladys
Tatro, Bruce

Lindsey, Steven
Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Almy, Susan
Pierce, David

Cooney, Mary
Smith, Suzanne

Gould, Franklin
Townsend, Charles

Harding, Laurie
White, Andrew

HILLSBOROUGH

Brunelle, Michael
Goley, Jeffrey
Long, Patrick
Rhodes, Brian

Cote, David
Gorman, Mary
Moran, Edward
Rokas, Ted

Garrity, Patrick
Graham, John
Pilotte, Maurice
Shaw, Barbara

Gidge, Kenneth
Jeady, Jean
Porter, Marjorie

MERRIMACK

Bouchard, Candace
Hamm, Christine
Potter, Frances
Shurtleff, Stephen

Deloge, Helen
MacKay, James
Rice, Chip
Wallner, Mary Jane

DeStefano, Stephen
Owen, Derek
Richardson, Gary
Williams, Robert

Gile, Mary
Patten, Dick
Richardson, Jon

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Schlachman, Donna

DiPentima, Rich
Manuse, Andrew

Gould, Kenneth
Norelli, Terie

Hagan, Joseph
Powers, James

STRAFFORD

Grassie, Anne
Larsen, Kirsten
Sprague, Dale

Hooper, Dorothea
Roberts, Jenna
Wall, Janet

Horrigan, Timothy
Schmidt, Peter
Watters, David

Keans, Sandra
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

Smith, Steven

and the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 489-FN, relative to health information exchange. **OUGHT TO PASS WITH AMENDMENT.** Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: This bill creates an oversight structure for electronic health information transmission between health care providers. This

structure is called the health information organization (HIO). Previous legislation insures privacy as well as establishes the parameters for the sharing of data. This HIO will oversee the grant monies that will be used to implement this project as well as the design and implementation of the project. Members of the HIO will be providers as well as members of the public who have had some health care experience. The electronic transmission of health care information will give providers a way of transferring patient data in an efficient, encrypted, expedient fashion which will improve provider communication and consequently will lower patient costs. The amendment clarifies that the HIO should not be confused with the Health Benefit Exchange. Vote 18-0.

Amendment (0774h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a health information organization corporation.

Amend RSA 332-I:3 as inserted by section 4 of the bill by inserting after paragraph VI the following new paragraph:

VII. The health information organization shall follow all current and future laws relative to medical information privacy and all existing laws regarding health information exchanges.

Amend RSA 332-I:3, III as inserted by section 4 of the bill by replacing it with the following:

III. [A] The health information [exchange] organization shall maintain an audit log of [health care providers who access protected health information] the transactions transmitted through the health information organization. The parties transmitting or receiving information through the health information organization shall maintain audit logs in accordance with nationally accepted interoperability standards, practices, regulations, and statutes, including but not limited to:

(a) The identity of the health care provider accessing the information;

(b) The identity of the individual whose protected health information was accessed by the health care provider;

(c) The date the protected health information was accessed; and

(d) The area of the record that was accessed

Amend RSA 332-I:8, I as inserted by section 5 of the bill by replacing it with the following:

I. The powers of the corporation shall be vested in 12 members and up to 3 at-large members. Except for the members appointed under subparagraphs I(b)-(d), members shall serve 3-year terms. No member shall serve more than 2 full consecutive terms. Members shall be appointed as follows:

(a) A consumer not affiliated with the health care industry, appointed by the governor.

(b) A member of the house of representatives, appointed by the speaker of the house of representatives.

(c) A member of the senate, appointed by the president of the senate.

(d) The commissioner of the department of health and human services, or designee.

(e) A member of the department of health and human services, office of medicaid business and policy, appointed by the commissioner.

(f) A member representing a large hospital, appointed by the New Hampshire Hospital Association.

(g) A member representing a critical access hospital, appointed by the New Hampshire Hospital Association.

(h) An independent practice physician not affiliated with any hospital, appointed by the New Hampshire Medical Society.

(i) A representative of community health centers, appointed by Bi-State Primary Care Association.

(j) A representative of community mental health centers, appointed by the New Hampshire Community Behavioral Health Association.

(k) A retail pharmacist, appointed by the pharmacy board.

(l) A representative of home health care agencies, appointed by the Home Care Association of New Hampshire.

(m) The board may appoint up to 3 at-large members with qualifications, experience and expertise as identified and determined by the board.

Amend the bill by replacing section 6 with the following:

6 Initial Terms for Members of Health Information Organization Board; First Meeting. The initial terms of office for the members appointed to the health information organization board established in RSA 332-I:8 as inserted by section 5 of this act shall be as follows: the members in subparagraphs I(e), (f), (h), and (l) shall serve for 3 years; the members in subparagraphs I(a),

(g), (i), (j), and (k) shall serve for 2 years. The members in subparagraphs I(b), (c) and (d) shall serve coterminous with their term or terms in office. The at-large members in subparagraph I(m), if any, shall serve for terms not exceeding 3 years as determined by the board. Initial appointments shall be made within 30 days of the effective date of this section. The first meeting shall be held within 60 days of the effective date of this section and shall be called by the member of the house of representatives.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Applicability. Nothing in this act shall be construed to enable or support a health benefit exchange.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Millham offered floor amendment (0820h).

Floor Amendment (0820h)

Amend RSA 332-I:10 as inserted by section 5 of the bill by deleting paragraph II and renumbering paragraphs III-VII to read as paragraphs II-VI, respectively.

Rep. Millham spoke in favor.

Floor amendment (0820h) adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Manuse spoke against and yielded to questions.

Rep. Warden spoke against.

Rep. Millham spoke in favor and yielded to questions.

On a division vote, 185 members having voted in the affirmative and 88 in the negative, the committee report was adopted and ordered to third reading.

HB 573, relative to the administration of certain pain relief medications by a school nurse. INEXPEDIENT TO LEGISLATE.

Rep. Robert A. Fredette for Health, Human Services and Elderly Affairs: The committee determined that this bill was not necessary. There is currently language, Ed 311.02 (p), that allows school nurses to administer certain over the counter medications providing the medications are included in school policy and providing there is parental consent. HB 573 was generated because of a problem in a particular school. The department of education agreed to follow up with that school to make sure that the personnel fully understood the existing rule. Vote 16-1.

Rep. Notter spoke against.

LAI D ON THE TABLE

Rep. Reagan moved that **HB 573**, relative to the administration of certain pain relief medications by a school nurse, be laid on the table.

Motion adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 569-FN, establishing domestic union as a valid contract and extending certain rights to parties to a domestic union. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would entirely replace civil marriage and civil unions with domestic unions for all couples, heterosexual or homosexual, beginning January 1, 2012. Except for the curious difference that the new scheme would recognize unions between siblings, first cousins, aunts and uncles with nephews and nieces, and step-parents with step-children, it undertakes to parallel marriage precisely, the evident purpose being to disentangle the civil and religious aspects of the institution. The committee concluded that substitutes for marriage is an idea whose time has come and gone in New Hampshire. Heterosexual couples never wanted them for themselves and were willing to accept them for homosexual couples in order to enable them to share in the economic advantages of marriage. Homosexual couples have moved on to marriage. There is no longer any constituency for substitutes for marriage except among a small minority who would alter society to conform to an abstract ideal of logical perfection. The majority believes that few, if any, would-be "June Brides" would prefer to be "June Parties-to-a-Domestic-Union," which just doesn't have quite the same romantic feel. Vote 16-0.

MOTION TO LAY ON THE TABLE

Rep. Bolster moved that **HB 569-FN**, establishing domestic union as a valid contract and extending certain rights to parties to a domestic union, be laid on the table.

On a division vote, 74 members having voted in the affirmative and 186 in the negative, the motion failed.

The question now being adoption of the committee report of Inexpedient to Legislate.

Reps. Bolster, Simmons and Tamburello spoke against and yielded to questions.

Rep. Rowe spoke in favor and yielded to questions.

Rep. Cohn spoke against and requested a roll call; sufficiently seconded.

YEAS 232 NAYS 59**YEAS 232****BELKNAP**

Accornero, Harry
Malone, Robert
Tilton, Franklin

Fields, Dennis
Russell, David
Worsman, Colette

Greemore, Robert
Simpson, Tyler

Luther, Robert
Swinford, Elaine

CARROLL

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

McCarthy, Frank
Pettengill, Laurie

CHESHIRE

Butynski, William
Emerson, Susan
Johnson, Jane
Moore, Robert Jr
Tatro, Bruce

Byrnes, John
Hawkes, Samuel
Lerandeau, Alfred
Sad, Tara
Weber, Lucy

Cartwright, Anne
Hunt, John
Lindsey, Steven
Smith, Edwin

Dwinell, Richard
Johnsen, Gladys
Moore, Charles
Sterling, Franklin Jr

COOS

Coulombe, Gary

Thomas, Yvonne

Tremblay, Marc

GRAFTON

Benn, Bernard
Cooney, Mary
Ingbreton, Paul
Simard, Paul
White, Andrew

Bradley, Lester
Gionet, Edmond
Ladd, Rick Jr
Sorg, Gregory

Brosseau, Charles
Gould, Franklin
Nordgren, Sharon
Sova, Charles

Bulis, Lyle
Harding, Laurie
Reilly, Harold Sr
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Belvin, William
Buxton, Michael
Cote, David
Donovan, Daniel
Garrity, Patrick
Gorman, Mary
Hardwick, Harry
Hogan, Timothy
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Rokas, Ted

Barry, J. Gail
Bergevin, Jerry
Cebrowski, John
Cusson-Cail, Kathleen
Drisko, Richard
Gidge, Kenneth
Graham, John
Hikel, John
Infantine, William
Kurk, Neal
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Rosenwald, Cindy

Barry, Richard
Brunelle, Michael
Christiansen, Lars
Daniels, Gary
Fredette, Robert
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Palmer, Stephen
Pilotte, Maurice
Rhodes, Brian
Rowe, Robert

Belanger, James
Burt, John
Coffey, James
Doherty, Shaun
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Judy, Jean
Marcus, Bruce
Moran, Edward
Parison, James
Proulx, Mark
Robbins, David
Seidel, Carl

Shaw, Barbara
Stroud, Kathleen
Ulery, Jordan

Silva, Peter
Summers, James
Villeneuve, Moe

Soucy, Connie
Thomas, Joseph
Whitehead, Randall

Stepanek, Stephen
Twombly, Timothy
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Kotowski, Frank
McGuire, Dan
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane

Bouchard, Candace
Gile, Mary
Lockwood, Priscilla
Owen, Derek
Richardson, Gary
Smith, Molly
Williams, Robert

Cox, Sean
Giuda, J. Brandon
McDonnell, John
Palfrey, David
Richardson, Jon
Smith, Todd
Winter, Steven

DeStefano, Stephen
Hess, David
McGuire, Carol
Potter, Frances
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Dowling, Patricia
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Norelli, Terie
Packard, Sherman
Reagan, John
Shuler, Wyman III
Tremblay, Stella
Welch, David

Allen, Mary
Bettencourt, David
Duarte, Joe
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Peckham, Michele
Reichard, Kevin
Smith, William
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
McMahon, Charles
Okerman, Richard
Powers, James
Schlachman, Donna
Sullivan, James
Waterhouse, Kevin

Baldasaro, Alfred
Devine, James
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Nevins, Chris
Oigny, Jeffrey
Quandt, Marshall
Sedensky, John
Tasker, Kyle
Webb, James

STRAFFORD

Brown, Julie
Jones, Kyle
Panek, William
Vita, Carol
Weeden, Michael

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Vita, Lucien

Grassie, Anne
Larsen, Kirsten
Pitre, Joseph
Wall, Janet

Groen, Warren
Munck, Philip
Sprague, Dale
Watters, David

SULLIVAN

Cloutier, John
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

Lovett, Charlene

NAYS 59

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher

Babson, David Jr

CHESHIRE

Parkhurst, Henry

COOS

Daugherty, Duffy

GRAFTON

Almy, Susan

Mirski, Paul

Pierce, David

Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn

Champagne, Norma
Greazzo, Phil

Christensen, D.L. Chris
Holden, Frank

DeJong, Cameron
Hutchinson, Winfred

Lambert, George
Murphy, Keith
Swank, Matthew

Long, Patrick
Pratt, Calvin
Vaillancourt, Steve

Maltz, Jonathan
Scontsas, Lisa
Warden, Mark

Messier, Irene
Simmons, Tammy

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
Patten, Dick

Cohn, Seth
Keane, Thomas
Seaworth, G. Brian

Deloge, Helen
Kidder, David

Hamm, Christine
MacKay, James

ROCKINGHAM

Antosz, Jason
Comerford, Timothy
Manuse, Andrew

Brown, Paul
Copeland, Timothy
Rice, Frederick

Cali-Pitts, Jacqueline
Davenport, Joshua
Ritter, Glenn

Case, Frank
Gould, Kenneth
Tamburello, Daniel

STRAFFORD

Horrigan, Timothy

Keans, Sandra

Schmidt, Peter

Spang, Judith

SULLIVAN

Bowers, Spec
and the committee report was adopted.
Rep. Greazzo voted Nay and intended to vote Yea.

HB 640-FN, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians. **INEXPEDIENT TO LEGISLATE.** Rep. Donald B. McClarren for Judiciary: This bill would require a person who has a spouse who received medical assistance under the state Medicaid program to notice the department of health and human services and as a result possibly be responsible for reimbursing the state for benefits given to the spouse. The committee felt that the small number of possible instances where this bill would have an affect did not justify the passage of the bill. Vote 17-0. Committee report adopted.

HB 641-FN, relative to lien authority for the office of reimbursements within the department of health and human services. **INEXPEDIENT TO LEGISLATE.** Rep. Norman A. Tregenza for Judiciary: This bill's intent is to recover costs that have been expended by the various statewide institutions providing health care. It would enable the department of health and human services or the office of reimbursements to file liens against patients who have received services but not paid for them. Any notice of lien would be filed with the register of deeds in the patient's home county. The committee voted Inexpedient to Legislate for more than one reason. There may be cases where the family members of those who received services are forced to pay for those services. This bill would also empower statewide federal agencies to file a notice of lien on private citizens. Such authority concerned some members in a similar way that expansion of internal revenue service would also. Vote 17-0. Committee report adopted.

HB 26-FN, clarifying the definition of gross misconduct for purposes of unemployment compensation. **OUGHT TO PASS WITH AMENDMENT.** Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The original bill would make any dishonest act of an employee that was fired for that act be classified as "gross misconduct" under the law. Gross misconduct results in the employee's inability to receive unemployment compensation and losing all their earned unemployment credits. Misconduct has a lesser penalty in that the employee would still be ineligible to receive employment compensation but they would not lose their earned unemployment credits. The committee determined that the word "dishonest" was too vague and open to severe penalties for an infraction worth \$0.01 and utilized by unscrupulous employers as a means to keep their unemployment tax low. The committee felt it was better to amend the current threshold of a theft of greater than \$500.00 to include accumulation of multiple thefts in an amount greater than \$500.00. Employees who have committed misconduct or gross misconduct will not be able to obtain benefits from their previous employers if the employer is an unemployment tax paying employer. Contributing employers could be responsible for paying unemployment benefits. However, they have access to an appeals process at the department of employment security to request non payment of benefits. Vote 15-0.

Amendment (0567h)

Amend RSA 282-A:35 as inserted by section 1 of the bill by replacing it with the following:

282-A:35 Gross Misconduct. An unemployed individual who has been discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, or ~~[theft of]~~ **a theft or multiple thefts in** an amount greater than \$500, where such conduct is connected with his or her work, shall suffer the loss of all wage credits earned prior to the date of such dismissal.

Reps. Frederick Rice and Kappler spoke against.

Rep. Infantine spoke in favor and yielded to questions.

Rep. Giuda spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 122 NAYS 152**YEAS 122****BELKNAP**

Fields, Dennis	Millham, Alida	Pilliod, James	Tilton, Franklin
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CARROLL

Ahlgren, Christopher	Chandler, Gene	Patten, Betsey	Schmidt, Stephen
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CHESHIRE

Butynski, William	Emerson, Susan	Hawkes, Samuel	Hunt, John
Lerandeau, Alfred	Moore, Charles	Parkhurst, Henry	Sad, Tara
Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy

COOS

Coulombe, Gary	Thomas, Yvonne
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GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Gould, Franklin
Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon	Pierce, David
Smith, Suzanne	Sorg, Gregory	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Bergevin, Jerry	Brunelle, Michael
Coffey, James	Cote, David	Cusson-Cail, Kathleen	Daniels, Gary
Fredette, Robert	Gagne, Larry	Gargas, Carolyn	Gidge, Kenneth
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Haefner, Robert	Hinch, Richard	Infantine, William	Jasper, Shawn
Kurk, Neal	Long, Patrick	Messier, Irene	Pellegrino, Tony
Pilotte, Maurice	Rhodes, Brian	Robbins, David	Rokas, Ted
Rosenwald, Cindy	Simmons, Tammy	Soucy, Connie	Thomas, Joseph
Ulery, Jordan			

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Gile, Mary	Hamm, Christine	Hess, David
Kidder, David	Kotowski, Frank	Lockwood, Priscilla	MacKay, James
Palfrey, David	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Williams, Robert	

ROCKINGHAM

Allen, Mary	Antosz, Jason	Azarian, Gary	Cali-Pitts, Jacqueline
Case, Frank	Comerford, Timothy	Gould, Kenneth	Griffin, Mary
McMahon, Charles	Nevins, Chris	Norelli, Terie	O'Connor, John
Packard, Sherman	Peckham, Michele	Powers, James	Schlachman, Donna
Sedensky, John	Ward, Joanne	Waterhouse, Kevin	Welch, David
Weyler, Kenneth			

STRAFFORD

Brown, Julie
Keans, Sandra
Watters, David

Domingo, Baldwin
Schmidt, Peter

Grassie, Anne
Sprague, Dale

Horrigan, Timothy
Wall, Janet

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Cunningham, Steven
Smith, Steven

Gagnon, Raymond

Laware, Thomas

NAYS 152**BELKNAP**

Accornero, Harry
Malone, Robert
Worsman, Colette

Bolster, Peter
Russell, David

Greemore, Robert
St. Cyr, Jeffrey

Luther, Robert
Swinford, Elaine

CARROLL

Babson, David Jr
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Merrow, Harry

Knox, J. David
Pettengill, Laurie

McCarthy, Frank
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne

Dwinell, Richard

Johnson, Jane

COOS

Daugherty, Duffy

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sova, Charles

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Balboni, Michael
Burt, John
Christensen, D.L. Chris
Donovan, Daniel
Hardwick, Harry
Hutchinson, Winfred
Marcus, Bruce
Murphy, Keith
Parison, James
Reed, Michael
Seidel, Carl
Summers, James
Villeneuve, Moe

Barry, J. Gail
Buxton, Michael
Christiansen, Lars
Drisko, Richard
Hogan, Edith
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Swank, Matthew
Warden, Mark

Barry, Richard
Cebrowski, John
DeJong, Cameron
Greazzo, Phil
Hogan, Timothy
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Pratt, Calvin
Rowe, Robert
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Belvin, William
Champagne, Norma
Doherty, Shaun
Hansen, Peter
Holden, Frank
Maltz, Jonathan
Moran, Edward
Palmer, Stephen
Proulx, Mark
Scotsas, Lisa
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
Keane, Thomas
McGuire, Dan
Smith, Molly

Cox, Sean
Kreis, Kenneth Sr
Richardson, Jon
Smith, Todd

Giuda, J. Brandon
McDonnell, John
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Dowling, Patricia

Baldasaro, Alfred
Brown, Paul
Duarte, Joe

Bates, David
Copeland, Timothy
Ferrante, Beverly

Bettencourt, David
Devine, James
Garcia, Marilinda

Garrity, James
Kappler, Lawrence
Manuse, Andrew
Quandt, Marshall
Ritter, Glenn
Tamburello, Daniel

Headd, James
Katsakiores, Phyllis
Mauro, Donna
Reagan, John
Shuler, Wyman III
Tasker, Kyle

Hoelzel, Kathleen
Kolodziej, Walter
Okerman, Richard
Reichard, Kevin
Smith, William
Tremblay, Stella

Itse, Daniel
Major, Norman
Oigny, Jeffrey
Rice, Frederick
Sullivan, James
Webb, James

STRAFFORD

Cataldo, Sam
Munck, Philip
Vita, Carol

Groen, Warren
PANEK, William
Vita, Lucien

Jones, Laura
Parsons, Robbie
Weeden, Michael

Larsen, Kirsten
Pitre, Joseph

SULLIVAN

Bowers, Spec
and the committee amendment failed.

Lovett, Charlene

Osgood, Joe

The question now being adoption of the motion of Ought to Pass.
Rep. Infantine offered floor amendment (0917h).

Floor Amendment (0917h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of gross misconduct for purposes of unemployment compensation.

Amend RSA 282-A:35 as inserted by section 1 of the bill by replacing it with the following:

282-A:35 Gross Misconduct. An unemployed individual who has been discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, or [~~theft of~~] *a theft or multiple thefts in* an amount greater than [\$500] *\$250*, where such conduct is connected with his or her work, shall suffer the loss of all wage credits earned prior to the date of such dismissal.

AMENDED ANALYSIS

This bill clarifies the definition of gross misconduct for purposes of unemployment compensation and reduces the amount of a work-related theft resulting in the loss of wage credits.

Rep. Greemore spoke against and yielded to questions.

Reps. Giuda and Soltani spoke against.

Rep. Infantine spoke in favor and yielded to questions.

Rep. Kappler requested a roll call; sufficiently seconded.

YEAS 134 NAYS 133

YEAS 134

BELKNAP

Bolster, Peter
Russell, David

Fields, Dennis
Swinford, Elaine

Millham, Alida
Tilton, Franklin

Pilliod, James

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Chandler, Gene
Umberger, Karen

Fleck, Joseph

Patten, Betsey

CHESHIRE

Butynski, William
Hawkes, Samuel
Smith, Edwin

Byrnes, John
Lerandeau, Alfred
Sterling, Franklin Jr

Cartwright, Anne
Parkhurst, Henry
Tatro, Bruce

Emerson, Susan
Sad, Tara
Weber, Lucy

COOS

Coulombe, Gary

Thomas, Yvonne

GRAFTON

Almy, Susan
Ladd, Rick Jr
Sorg, Gregory

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

Harding, Laurie
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
 Brunelle, Michael
 Daniels, Gary
 Goley, Jeffrey
 Haefner, Robert
 Jasper, Shawn
 McClarren, Donald
 Proulx, Mark
 Rokas, Ted
 Swank, Matthew

Barry, Richard
 Coffey, James
 Fredette, Robert
 Gonzalez, Carlos
 Hinch, Richard
 Kurk, Neal
 Messier, Irene
 Renzullo, Andrew
 Rosenwald, Cindy
 Thomas, Joseph

Belanger, James
 Cote, David
 Gargas, Carolyn
 Gorman, Mary
 Holden, Frank
 Long, Patrick
 Pellegrino, Tony
 Rhodes, Brian
 Simmons, Tammy
 Ulery, Jordan

Bergevin, Jerry
 Cusson-Cail, Kathleen
 Gidge, Kenneth
 Graham, John
 Infantine, William
 Maltz, Jonathan
 Pilotte, Maurice
 Robbins, David
 Soucy, Connie

MERRIMACK

Bouchard, Candace
 DeStefano, Stephen
 Kidder, David
 Palfrey, David
 Seaworth, G. Brian

Coffey, Jennifer
 Foose, Robert
 Kotowski, Frank
 Potter, Frances
 Shurtleff, Stephen

Cohn, Seth
 Gile, Mary
 Lockwood, Priscilla
 Rice, Chip
 Wallner, Mary Jane

Deloge, Helen
 Hamm, Christine
 MacKay, James
 Richardson, Gary
 Williams, Robert

ROCKINGHAM

Antosz, Jason
 Cali-Pitts, Jacqueline
 Katsakiores, Phyllis
 O'Connor, John
 Schlachman, Donna
 Waterhouse, Kevin

Azarian, Gary
 Comerford, Timothy
 McMahon, Charles
 Packard, Sherman
 Sedensky, John
 Welch, David

Bates, David
 Gould, Kenneth
 Nevins, Chris
 Peckham, Michele
 Sullivan, James
 Weyler, Kenneth

Bettencourt, David
 Griffin, Mary
 Norelli, Terie
 Powers, James
 Ward, Joanne

STRAFFORD

Brown, Julie
 Schmidt, Peter

Domingo, Baldwin
 Sprague, Dale

Horrigan, Timothy
 Wall, Janet

Keans, Sandra
 Watters, David

SULLIVAN

Cloutier, John
 Osgood, Joe

Cunningham, Steven
 Smith, Steven

Gagnon, Raymond

Laware, Thomas

NAYS 133**BELKNAP**

Accornero, Harry
 St. Cyr, Jeffrey

Greemore, Robert
 Worsman, Colette

Luther, Robert

Malone, Robert

CARROLL

Babson, David Jr
 Merrow, Harry

Knox, J. David
 Pettengill, Laurie

McCarthy, Frank
 Tregenza, Norman

McConkey, Mark

CHESHIRE

Dwinell, Richard
 Moore, Robert Jr

Hunt, John

Johnson, Jane

Moore, Charles

COOS

Daugherty, Duffy

Tremblay, Marc

GRAFTON

Bradley, Lester
 Ingbretson, Paul
 Sova, Charles

Brosseau, Charles
 Mirski, Paul

Bulis, Lyle
 Reilly, Harold Sr

Gionet, Edmond
 Simard, Paul

HILLSBOROUGH

Balboni, Michael
 Buxton, Michael

Barry, J. Gail
 Cebrowski, John

Belvin, William
 Champagne, Norma

Burt, John
 Christensen, D.L. Chris

Christiansen, Lars
 Drisko, Richard
 Hogan, Edith
 Lambert, George
 Moran, Edward
 Palmer, Stephen
 Reed, Michael
 Silva, Peter
 Vaillancourt, Steve
 Willette, Robert

DeJong, Cameron
 Greazzo, Phil
 Hogan, Timothy
 LeBrun, Donald
 Murphy, Keith
 Parison, James
 Rowe, Robert
 Stepanek, Stephen
 Villeneuve, Moe

Doherty, Shaun
 Hardwick, Harry
 Hutchinson, Winfred
 Marcus, Bruce
 Notter, Jeanine
 Peterson, Lenette
 Scontsas, Lisa
 Stroud, Kathleen
 Warden, Mark

Donovan, Daniel
 Hikel, John
 Krasucki, Joseph
 McGuinness, Sean
 Ohm, Bill
 Pratt, Calvin
 Seidel, Carl
 Summers, James
 Whitehead, Randall

MERRIMACK

Cox, Sean
 Kreis, Kenneth Sr
 Richardson, Jon
 Soltani, Tony

Giuda, J. Brandon
 McDonnell, John
 Sanborn, Laurie
 Winter, Steven

Hoell, J.R.
 McGuire, Carol
 Smith, Molly

Keane, Thomas
 McGuire, Dan
 Smith, Todd

ROCKINGHAM

Abrami, Patrick
 Brown, Paul
 Dowling, Patricia
 Garrity, James
 Kappler, Lawrence
 Mauro, Donna
 Rice, Frederick
 Tamburello, Daniel

Allen, Mary
 Copeland, Timothy
 Duarte, Joe
 Headd, James
 Kolodziej, Walter
 Okerman, Richard
 Ritter, Glenn
 Tasker, Kyle

Baldasaro, Alfred
 Davenport, Joshua
 Ferrante, Beverly
 Hoelzel, Kathleen
 Major, Norman
 Oligny, Jeffrey
 Shuler, Wyman III
 Tremblay, Stella

Birdsell, Regina
 Devine, James
 Garcia, Marilinda
 Itse, Daniel
 Manuse, Andrew
 Quandt, Marshall
 Smith, William

STRAFFORD

Cataldo, Sam
 Munck, Philip
 Vita, Carol

Groen, Warren
 Panek, William
 Vita, Lucien

Jones, Laura
 Parsons, Robbie
 Weeden, Michael

Larsen, Kirsten
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 and floor amendment (0917h) was adopted.

Lovett, Charlene

Rodeschin, Beverly

MOTION TO REQUIRE VOTE

Rep. Soltani moved that the Speaker be called upon to register his vote on floor amendment (0917h) to **HB 26-FN**, relative to the definition of gross misconduct for purposes of unemployment compensation, since the vote may be decisive.

On a division vote, 56 members having voted in the affirmative and 209 in the negative, the motion failed.

The question now being adoption of the committee report of Ought to Pass with Amendment.
 Rep. Burt requested a roll call; sufficiently seconded.

YEAS 216 NAYS 51

YEAS 216

BELKNAP

Accornero, Harry
 Luther, Robert
 Russell, David

Bolster, Peter
 Malone, Robert
 Swinford, Elaine

Fields, Dennis
 Millham, Alida
 Tilton, Franklin

Greemore, Robert
 Pilliod, James

CARROLL

Ahlgren, Christopher
 McCarthy, Frank
 Schmidt, Stephen

Chandler, Gene
 McConkey, Mark
 Umberger, Karen

Fleck, Joseph
 Patten, Betsey

Knox, J. David
 Pettengill, Laurie

CHESHIRE

Butynski, William
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Cartwright, Anne
Lerandeau, Alfred
Sad, Tara
Weber, Lucy

Hawkes, Samuel
Moore, Charles
Smith, Edwin

Hunt, John
Moore, Robert Jr
Sterling, Franklin Jr

COOS

Coulombe, Gary

Thomas, Yvonne

GRAFTON

Almy, Susan
Ladd, Rick Jr
Simard, Paul
White, Andrew

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Pierce, David
Sorg, Gregory

Harding, Laurie
Reilly, Harold Sr
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Bergevin, Jerry
Christiansen, Lars
Daniels, Gary
Gagne, Larry
Gonzalez, Carlos
Hikel, John
Holden, Frank
Krasucki, Joseph
Long, Patrick
Murphy, Keith
Pellegriano, Tony
Reed, Michael
Rokas, Ted
Silva, Peter
Summers, James
Ulery, Jordan
Whitehead, Randall

Baroody, Benjamin
Brunelle, Michael
Coffey, James
DeJong, Cameron
Gargas, Carolyn
Graham, John
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Maltz, Jonathan
Notter, Jeanine
Peterson, Lenette
Renzullo, Andrew
Rosenwald, Cindy
Simmons, Tammy
Swank, Matthew
Vaillancourt, Steve

Barry, Richard
Buxton, Michael
Cote, David
Doherty, Shaun
Gidge, Kenneth
Greazzo, Phil
Hogan, Edith
Infantine, William
Lambert, George
McGuinness, Sean
Ohm, Bill
Pilotte, Maurice
Rhodes, Brian
Scontsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Belanger, James
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Fredette, Robert
Goley, Jeffrey
Haefner, Robert
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
Messier, Irene
Palmer, Stephen
Proulx, Mark
Robbins, David
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Gile, Mary
Kidder, David
MacKay, James
Palfrey, David
Richardson, Jon
Williams, Robert

Bouchard, Candace
Deloge, Helen
Hamm, Christine
Kotowski, Frank
McDonnell, John
Potter, Frances
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
DeStefano, Stephen
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Rice, Chip
Shurtleff, Stephen

Cohn, Seth
Foosse, Robert
Keane, Thomas
Lockwood, Priscilla
McGuire, Dan
Richardson, Gary
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Bates, David
Comerford, Timothy
Garrity, James
Itse, Daniel
Major, Norman
Norelli, Terie
Packard, Sherman
Rice, Frederick
Shuler, Wyman III
Tasker, Kyle
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Davenport, Joshua
Gould, Kenneth
Kappler, Lawrence
Manuse, Andrew
O'Connor, John
Peckham, Michele
Ritter, Glenn
Smith, William
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Duarte, Joe
Griffin, Mary
Katsakiores, Phyllis
McMahon, Charles
Okerman, Richard
Powers, James
Schlachman, Donna
Sullivan, James
Waterhouse, Kevin

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Ferrante, Beverly
Headd, James
Kolodziej, Walter
Nevins, Chris
Oigny, Jeffrey
Quandt, Marshall
Sedensky, John
Tamburello, Daniel
Welch, David

STRAFFORD

Brown, Julie
Jones, Laura
Parsons, Robbie
Wall, Janet

Domingo, Baldwin
Keans, Sandra
Pitre, Joseph
Watters, David

Groen, Warren
Larsen, Kirsten
Schmidt, Peter
Weeden, Michael

Horrigan, Timothy
Munck, Philip
Sprague, Dale

SULLIVAN

Bowers, Spec
Laware, Thomas

Cloutier, John
Osgood, Joe

Cunningham, Steven
Smith, Steven

Gagnon, Raymond

NAYS 51**BELKNAP**

St. Cyr, Jeffrey

Worsman, Colette

CARROLL

Babson, David Jr

Merrow, Harry

Tregenza, Norman

CHESHIRE

Byrnes, John

Dwinell, Richard

Emerson, Susan

COOS

Daugherty, Duffy

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Sova, Charles

Gionet, Edmond

HILLSBOROUGH

Barry, J. Gail
Champagne, Norma
Marcus, Bruce
Pratt, Calvin

Belvin, William
Donovan, Daniel
McClarren, Donald
Rowe, Robert

Burt, John
Drisko, Richard
Moran, Edward
Stroud, Kathleen

Cebrowski, John
Hardwick, Harry
Parison, James
Willette, Robert

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Giuda, J. Brandon

Smith, Molly

Smith, Todd

Soltani, Tony

ROCKINGHAM

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Garcia, Marilinda

Copeland, Timothy
Hoelzel, Kathleen

Devine, James
Mauro, Donna

Dowling, Patricia
Tremblay, Stella

STRAFFORD

Cataldo, Sam

Panek, William

Vita, Carol

Vita, Lucien

SULLIVAN

Lovett, Charlene

Rodeschin, Beverly

and the committee report was adopted and ordered to third reading.

INTRODUCTION OF SPECIAL GUEST

Former Speaker of the United States House of Representatives, the Honorable Newt Gingrich was introduced and invited to the rostrum.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 621-FN-L, relative to the authority of the department of transportation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark E. McConkey for Public Works and Highways: This bill, as amended, expands the issuance of a permit by notification by the department of environmental services for the repair, replacement or maintenance of stream crossings and culverts from the present diameter limit of

36" to 48". Secondly, it establishes a committee to study certain rules recently adopted by DES concerning stream crossings. The duty of the committee is to determine: 1.) if the above mentioned rules as adopted violate Article 28-a of the NH Constitution, 2.) if DES had the authority to implement those rules. Vote 15-0.

Amendment (0130h)

Amend RSA 482-A:3, III as inserted by section 2 of the bill by replacing it with the following:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c) and RSA 483-B:5-b are continually appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to the wetlands of the state and protected shorelands under RSA 483-B, conducting field investigations, and holding public hearings. ~~[Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands and shorelands review fund.]~~

Amend RSA 482-A:3, III as inserted by section 3 of the bill by replacing it with the following:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c) are continually appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to the wetlands of the state and protected shorelands under RSA 483-B, conducting field investigations, and holding public hearings. ~~[Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands and shorelands review fund.]~~

Amend the bill by replacing section 5 with the following:

5 Permit Required; Fees. Amend the introductory paragraph of RSA 483-B:5-b, I(b) to read as follows:

(b) The permit application fee shall be \$100 plus \$.10 per square foot of area affected by the proposed activities and shall be ~~[deposited in the wetlands and shorelands review fund established under RSA 482-A:3, III. Such fees shall be]~~ capped as follows:

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Repeal. RSA 6:12, I(b)(131), relative to the wetlands and shorelands review fund, is repealed. Rep. Chandler spoke against.

Amendment failed.

The question now being adoption of the motion of Ought to Pass.

Rep. McConkey offered floor amendment (0878h).

Floor Amendment (0878h)

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Municipalities; Permit by Notification. Amend RSA 482-A:3 by inserting after paragraph XV the following new paragraph:

XVI.(a) Any person or political subdivision that repairs, replaces, or maintains structures in accordance with the best management practices for routine roadway maintenance in New Hampshire published by the department of transportation, including culverts up to 48 inches in diameter or the functional hydraulic equivalent, and files an appropriate notice under subparagraph (b), shall satisfy the permitting requirements of this section for minimum impact activities, as defined by rules adopted by the commissioner.

(b) Appropriate notice to the department shall include a completed routine roadway notification form as outlined in Env Wt 303.05 including, at a minimum, the following information:

- (1) Name and mailing address of the applicant or authorized person.
- (2) Name and mailing address of the applicant or authorized agent, if any, representing the political subdivision.
- (3) Telephone number, and email address and fax number if available.
- (4) A copy of the appropriate United States Geological Survey topographic map at its original scale on 8-1/2 x 11 sheets with the project locations clearly labeled.
- (5) Town tax map, number, and lot number, if any, of the project sites.
- (6) Project location including street name and address or distance from the nearest intersection to the project.
- (7) Information regarding the existing and proposed structure shown on plan sheets or equivalent plans as shown in the best management practices for routine roadway manual and a listing of the best management practices to be used during construction.

(8) Color photographs depicting the proposed work sites showing existing structures, surrounding land, and jurisdictional areas in and adjacent to the work location.

(9) A signed certification that information is accurate and correct and that work will conform to the best management practices for routine roadway maintenance.

(c) Appropriate notice to the department under subparagraphs (a) and (b) shall be mailed and received by department at least 5 days prior to the start of construction.

3 Committee Established. There is established a committee to study certain rules adopted by the department of environmental services concerning stream crossings.

4 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Duties. The committee shall study whether study certain rules adopted by the department of environmental services concerning stream crossings:

I. Violate Article 28-a of the New Hampshire constitution.

II. Have statutory authority for their implementation.

6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2011.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides for an excavation and dredging permit by notification for municipalities that construct and maintain structures in accordance with Best Management Practices for Routine Roadway Maintenance.

This bill establishes a committee to study certain rules pertaining to stream crossings.

Rep. McConkey spoke in favor.

Floor amendment (0878h) adopted.

Committee report adopted and ordered to third reading.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HCR 13, urging Congress to pass legislation against losses in value due to money supply by the federal reserve; restoring gold and silver money; and phasing out the federal reserve system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H. McCarthy for State-Federal Relations and Veterans Affairs: This bill urges the New Hampshire congressional delegation to support H.R. 459 and S. 202. Both of these bills require a comprehensive audit of the federal reserve which, since its existence, has never been audited. The chairman of the US House subcommittee on domestic monetary policy is the prime sponsor of H.R. 459. The committee agreed that this is a responsible and necessary resolution. Vote 13-0.

Amendment (0622h)

Amend the title of the bill by replacing it with the following:

A RESOLUTION urging the New Hampshire delegation to support HR 459 and S.202 requiring a comprehensive audit of the Federal Reserve.

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the general court of the state of New Hampshire, the Congress of the United States, and particularly, the legislative delegation to Congress of the state of New Hampshire, are hereby urged and petitioned to use all of their efforts, energies, and diligence to protect all the citizens of this nation from potential, unprecedented losses in the value of take-home pay, retirement income, insurance policies, and investments as a result of the Federal Reserve's ongoing inflation of our unbacked paper money by passing HR 459 in the House of Representatives and S.202 in the Senate requiring a comprehensive audit of the Federal Reserve; and

AMENDED ANALYSIS

This house concurrent resolution urges the New Hampshire delegation to support HR 459 and S.202 requiring a comprehensive audit of the Federal Reserve.

Amendment adopted by the necessary two-thirds vote.

On a division vote, 164 members having voted in the affirmative and 90 in the negative, the committee report failed lacking the necessary two-thirds vote.

LAI D ON THE TABLE

Rep. Jasper moved that *HCR 13*, urging the New Hampshire delegation to support HR 459 and S.202 requiring a comprehensive audit of the Federal Reserve, be laid on the table.

Motion adopted by the necessary two-thirds vote.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HCR 15, ordering our federal senators to vote against the Law of the Sea Convention. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucien A. Vita for State-Federal Relations and Veterans Affairs: The Law of the Sea Convention has never been subjected to a two-thirds vote of the Senate and therefore is unenforceable and of no relevance to the several states. Yet should this treaty be adopted, in any form, a supranational body (the U.N.) will have control over our territorial waters, the great lakes, the sea beds below these waters and the air space above. Essentially we are ceding control of part of our country to the U.N., negatively impacting our status as a sovereign nation. Vote 9-3.

Amendment (0581h)

Amend the title of the bill by replacing it with the following:

A RESOLUTION urging our federal senators to vote against the Law of the Sea Convention.

Amend the resolution by replacing the first 2 paragraphs after the title with the following:

Whereas, Article 1, Section 1 of the Constitution for the United States of America delegates all legislative authority of the government of United States of America to the Congress of the United States; and

Whereas, Article 2, of the Constitution for the United States of America delegates no legislative authority to the President of the United States of America; and

Amend the resolution by replacing all after the resolving clause with the following:

That the general court of the state of New Hampshire urges Senator Shaheen and Senator Ayotte representing New Hampshire in the United States Senate in the Congress of the United States to vote against ratification of the Law of the Sea Convention; and

That the general court of the state of New Hampshire does not support any executive order creating new treaties or agreements among nations or with the United Nations without the affirmative vote of 2/3 of the United States Senate; and

That the house clerk transmit copies of this resolution to Senator Shaheen and Senator Ayotte.

AMENDED ANALYSIS

The house concurrent resolution urges our federal senators to vote against the Law of the Sea Convention.

Adopted by the necessary two-thirds vote.

LAI D ON THE TABLE

Rep. Baldasaro moved that *HCR 15*, urging our federal senators to vote against the Law of the Sea Convention, be laid on the table.

On a division vote, 207 members having voted in the affirmative and 47 in the negative, the motion was adopted by the necessary two-thirds vote.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 549, relative to driver's license reexaminations. **OUGHT TO PASS.**

Rep. Robert W. Williams for Transportation: This bill eliminates the possibility of age based rules that a driver have a road test upon reaching his or her seventy-fifth birthday. The bill provides for new functional and medical based rules for persons of all ages to have a required road test. The current reexamination statute does not require a road test for 75 and older seniors. The statute states that the director shall decide on the reexamination test required for seniors. The director has prescribed that every person reaching his or her seventy-fifth birthday shall have a road test. As it now stands the present age based reexamination statute is discriminatory, ineffective, unnecessary and expensive. New Hampshire does not need an age based test now that it has a medical board which was created to develop new evidence based tests. In 2010, a Senate bill created the NH medical board. It made New Hampshire one (1) of forty (40) states that have medical boards: over 40 states are using functional and medical fitness rather than age based reasons for a driver renewal road test being required. Passage of this bill would end New Hampshire as being one (1) of two (2) states which have age based driver's license renewal tests. This bill would base final license decisions on functional and medical fitness to drive and not chronological age. Vote 14-0.
Committee report adopted by the necessary two-thirds vote and ordered to third reading.

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 30, 2011 at 9:00 a.m. Adopted by the necessary two-thirds vote.

LATE SESSION**Third reading and final passage**

HB 218, repealing the New Hampshire rail transit authority.

HB 335-FN-A, establishing multi-use number plates.

HB 540-FN, relative to motor vehicle inspections.

HB 337-FN-L, relative to the calculation and distribution of adequate education grants.

HB 156-FN-A, reducing the rates of the tobacco tax.

HB 229-FN-A, repealing the tax on gambling winnings.

HB 277-FN, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund.

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

HB 617, repealing the prohibitions on Sunday business activities.

HB 489-FN, establishing a health information organization corporation.

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

HB 621-FN-L, relative to the authority of the department of transportation.

HB 549, relative to driver's license reexaminations.

UNANIMOUS CONSENT

Reps. Hoell and Cohn addressed the House.

RECESS MOTION

Rep. Jasper moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 5:15 p.m.

RECESS

(Rep. Reagan in the Chair)**RESOLUTION**

Rep. Elliott offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 12, 70, 105, 106, 152, 162, 192 and 194 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 12-FN, relative to screening panels for medical injury claims. (Judiciary)

SB 70-FN, relative to remedies in landlord-tenant actions. (Judiciary)

SB 105, exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails. (Resources, Recreation and Development)

SB 106, naming the visitor center at Jericho Mountain state park for Robert Danderson. (Resources, Recreation and Development)

SB 152-FN, relative to participation in state employees' group insurance by members of the general court. (Executive Departments and Administration)

SB 162-FN, relative to federal health care reform 2010. (Commerce and Consumer Affairs)

SB 192, establishing a commission to identify strategies needed for delivering a 21st century education. (Education)

SB 194, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire. (Education)

RECESS**COMMITTEE ASSIGNMENTS**

The Speaker made the following changes to committee assignments:

Rep. Infantine off the Special Committee on Public Employee Pensions Reform.

Rep. Laware on the Special Committee on Public Employee Pensions Reform.

RECESS**(Rep. Bettencourt in the Chair)****RESOLUTION**

Rep. Silva offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 27, 51, 53, 56, 63, 72, 93, 100, 107, 123, 125, 147, 153, 157, 161, 171, 176, 180, 190 and 195 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 27, relative to speed limitations for boats. (Resources, Recreation and Development)

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. (Health, Human Services and Elderly Affairs)

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. (Ways and Means)

SB 56-FN, authorizing the department of revenue administration to accept credit card and debit card payments of taxes. (Ways and Means)

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies. (Judiciary)

SB 72-FN, establishing a comprehensive cancer plan fund. (Health, Human Services and Elderly Affairs)

SB 93, relative to pharmacist administration of vaccines. (Health, Human Services and Elderly Affairs)

SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle. (Resources, Recreation and Development)

SB 107, establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands. (Resources, Recreation and Development)

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. (Criminal Justice and Public Safety)

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation. (Ways and Means)

SB 147-FN, relative to Medicaid managed care. (Ways and Means)

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. (Executive Departments and Administration)

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. (Executive Departments and Administration)

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. (Executive Departments and Administration)

SB 171, relative to prescription drug benefits for the treatment of pain. (Commerce and Consumer Affairs)

SB 176, relative to marriage licenses. (Judiciary)

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole. (Criminal Justice and Public Safety)

SB 190, relative to the duties and membership of the executive branch ethics committee. (Election Law)

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek. (Public Works and Highways)

SENATE MESSAGE

CONCURRENCE

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water.

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions.

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control.

HB 192, relative to commercial motor vehicle registration.

HB 363-L, relative to Depot Street in the town of Andover.

HB 399, relative to nonresident registration of motor vehicles.

RECESS

(Rep. Tucker in the Chair)

Rep. Jasper moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 13

Wednesday, March 30, 2011

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker, Rep. Tucker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Eternal God, we find ourselves in the spring of the year; a time of anticipation for new growth and one of hesitation because of old weather. In the midst of our assembly and legislative purpose we ask for Your grace, Your guidance and Your love. Bless the membership of this House in this early season so that we might pick solid ground to plow. Choices are not always easy and usually always stressful. We find it no compromise to ask for Your strength in putting our faith and reason to the task of the common good. Help us this day to keep our mission on good ground; to engage each other with goodwill, compassion and the hope that what we do helps all the people of our state to flourish with the dignity they own. We especially remember those of us struck with grief in this time of year, those who need physical healing, those who need their emotional life restored and those who need their families wholesome. We remember our friends and family members in uniform who are in harm's way. We ask that they return to us safe and sound and to a culture not marked itself with violence and death. This is not too much to ask for, Lord, in a chamber whose history of debate is rational, vigorous, honest and accountable. Help us, this day, then, to choose and maintain what is essential in ensuring a productive harvest for what we have planted. In Your Holy name we pray. Amen.

Representative David Pierce, member from Etna, led the Pledge of Allegiance.

The National Anthem was sung by the B Naturals from Alvirne High School in Hudson.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Cataldo, Panek, Sapienza and Weeden, the day, illness.

Reps. Brosseau, Dwinell, Flanders, Thomas Keane, Lambert, Leonard, Peckham, Michael Reed, Shackett and Simpson, the day, important business.

INTRODUCTION OF GUESTS

Alan Cail and Darla, Kerina and Nygil Cusson, husband, nieces and nephew of Rep. Cusson-Cail. Gerald Walsh, guest of Rep. James Belanger. Georgia and Alan Palmieri, guests of Rep. Byrnes.

John Cialek and Lucas Dube, students at Campbell High School in Litchfield, Pages for the day.

(Speaker O'Brien in the Chair)

MOTION TO AMEND HOUSE RULES

Rep. Tucker moved that the House amend House Rule 25, as proposed by the Rules Committee.

Amendment to House Rules

House Rule 25. **Reconsideration**

Add the following sentence to the opening paragraph:

A motion for reconsideration is debatable only to the extent that it does not open the underlying question to debate.

The paragraph would then read as follows:

No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side while the bill or resolution is in the possession of the House. A motion for reconsideration is debatable only to the extent that it does not open the underlying question to debate.

Adopted by the necessary two-thirds vote.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

SB 112, relative to the membership on the advanced manufacturing education advisory council.
OUGHT TO PASS.

Rep. Steven J. Winter for Executive Departments and Administration: The advanced manufacturing education advisory council advises the department of education in the implementation, evaluation, and expansion of the advanced manufacturing curriculum. The expanded members named in this bill have been deemed to be necessary additions for their expertise and full involvement for the success of the council's programs. Vote 12-0.

SB 127-FN, relative to the city of Manchester's contributory retirement system. **OUGHT TO PASS.** Rep. Kenneth Hawkins for Executive Departments and Administration: The Manchester Employee Retirement System is separate from the New Hampshire Retirement System and was created in a separate RSA. Our only job is to approve changes to that system that the Mayor and aldermen have approved once we have received it in writing. We have been provided this document. Vote 15-0.

HB 353-FN, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness. **INEXPEDIENT TO LEGISLATE.** Rep. Thomas E. Keane for Finance: This bill sought to create within the department of health and human services (DHHS) a pilot program to provide a financial stipend of up to \$30,000 dollars annually for any parent of a severely disabled child who volunteered to stay home and provide care for their child in lieu of a significantly more costly residential placement. The proposed bill required a Medicaid waiver, spending authorization of \$200,000 dollars and capped the number of participants at 20. Although the committee agreed with the concept, it believes the program, cost and technical issues are best addressed in HB 2. Vote 24-0.

HB 131, relative to indemnification of volunteers performing duties in the state park system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Norman A. Tregenza for Judiciary: This bill, as amended, extends the indemnifications already contained in RSA 216-A:3-h for volunteers working with park managers in the state parks to all volunteers working under the general supervision of department of resources and economic development personnel. As a result, the statute will now cover volunteers working on state forests, reservations, trails and historic sites as well as state parks. The bill will better enable volunteer organizations to recruit volunteers to maintain the state's various trail systems and will benefit the state financially. The bill also extends the expiration date of the state park system advisory council from 2012 to 2016. Vote 14-0.

Amendment (1151h)

Amend the bill by replacing all after the enacting clause with the following:

1 Indemnification of Department of Resources and Economic Development Volunteers. Amend RSA 216-A:3-h to read as follows:

216-A:3-h Indemnification of [Park] *Department of Resources and Economic Development* Volunteers. Any person recognized by the [~~director, division of parks and recreation,~~] *commissioner of the department of resources and economic development* as a [park] volunteer *and* who is under the *general* supervision of [~~a park manager~~] *authorized department of resources and economic development personnel*, and is actually performing assigned volunteer duties or activities at a state park, *forest, reservation, trail, or historic site*, shall be considered a state employee for the purpose of defense and indemnification from civil suits under RSA 99-D[~~;~~ *provided, however, such a volunteer shall not be indemnified from any civil suit arising out of a criminal act*].

2 State Park System Advisory Council; Repeal Date Extended. Amend 2007, 359:5 as amended by 2010, 374:1 to read as follows:

359:5 Repeal. Section 4 of this act is repealed effective June 30, [2012] **2016**.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the statute governing indemnification of volunteers under the supervision of department of resources and economic development personnel. The bill also extends the repeal date of the state park system advisory council to June 30, 2016.

SB 15, relative to the duties of tax collectors and clerks. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: Currently the tax collectors shall remit all monies collected to the treasurer when the receipts total \$500 or more on a weekly or on a daily basis. SB 15 increases the amount to \$1500. The committee believes that this is an acceptable increase. Vote 16-0.

SB 16, relative to amendments to warrant articles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip L. Munck for Municipal and County Government: This bill clarifies to the department of revenue administration that the decision of a town to require votes of the governing body to be printed in the warrant also applies to the printed ballot. It also applies to decisions of the governing body to place tallies on the ballot as well as the warrant. Vote 16-0.

Amendment (0561h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the placement of numerical tallies on a ballot.

Amend the bill by replacing all after the enacting clause with the following:

1 Use of Official Ballot. Amend RSA 40:13, V-a to read as follows:

V-a. Any town may vote to require that all votes by an advisory budget committee, a town budget committee, and the governing body or, in towns without a budget committee, all votes of the governing body relative to budget items or any warrant articles *or ballot questions* shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article *or on the ballot next to the affected ballot question*. If a town has not voted to require such tallies to be printed in the town warrant next to the affected warrant article *or on the ballot next to the affected ballot question*, the governing body may do so on its own initiative.

2 Tallies on Ballot Permitted. Any ballot vote that includes a tally shall be valid, notwithstanding the fact that the vote occurred prior to the effective date of this act.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill permits towns to place the tallies of certain votes of an advisory budget committee, a town budget committee, and the governing body on the ballot next to the affected ballot question.

SB 174, relative to the Concord regional solid waste/resource recovery cooperative. **OUGHT TO PASS.**

Rep. James E. Coffey for Municipal and County Government: This bill allows the Concord regional solid waste/resource cooperative agreement to be amended to encompass changes to the agreement by the 25 municipalities dated January 16, 2003 and January 22, 2009 and to promote provisions for recycling in addition to its present waste to energy facility. Vote 16-0.

REGULAR CALENDAR

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joseph F. Krasucki for the Majority of Constitutional Review and Statutory Recodification: This bill proposes to establish a legislative study committee to examine New Hampshire RSAs to identify the statutory authority for each federal grant-in-aid program. The committee will solicit information from the legislative budget assistance's office, dept of health and human services, department of education, dept of environmental services, and other agencies and individuals with information and expertise relevant to the study. The study committee will recommend legislation to the general court to repeal or amend federal grant-in-aid programs. HB 590 is clearly constitutional. Vote 12-2. Rep. Gary B. Richardson for the Minority of Constitutional Review and Statutory Recodification: This bill would create a study committee to assess all federal grants-in-aid and "make recommendations as to the most expeditious and practical means of modifying (them) to make feasible the transition to support entirely from state, local and/or private sources of funding." The sponsors failed to identify any particular grant-in-aid that is alleged to be unconstitutional or the number of grants-in-aid that would be placed in jeopardy. By characterizing grants-in-aid as "bribes," it is clear that this bill is motivated by ideology rather than honest constitutional concerns since grants-in-aid have been repeatedly upheld by judicial decisions, e.g. New York v. United States, 488U.S.1041 (1992).

The question being adoption of the majority committee report of Ought to Pass.

Rep. Theberge spoke against.

Rep. Krasucki spoke in favor and yielded to questions.

Majority committee report adopted and ordered to third reading.

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kevin E. Reichard for the Majority of Constitutional Review and Statutory Recodification: This bill is a resolution to reaffirm state constitutional rights vs. federal powers. It was the consensus of the committee that there has been a usurpation of powers reserved to the states, violating the 9th and 10th amendments of the federal Constitution and that this resolution addresses that concern. With the exception of the 18 enumerated powers to the federal government in article 1, section 8 of the Constitution for the United States, all other powers are un-delegated and are reserved for the states or the people. The committee feels that this resolution will help in reestablishing states' sovereignty. It urges other states to assert their own rights. Currently there are at least 7 states that have passed similar resolutions and 20 other states that have resolutions pending. Vote 11-3.

Rep. Gary B. Richardson for the Minority of Constitutional Review and Statutory Recodification: This bill is another in a series of resolutions and bills sponsored by members who are upset over the relationship between the federal government and the states. During the Constitutional Convention that led to the adoption of the U.S. Constitution, the New Jersey Plan would have continued to require the approval of states of legislation as had been required under the Articles of Confederation. Ultimately the New Jersey Plan was rejected in favor of the Virginia Plan that permitted congress to exercise legislative authority directly on individuals. However, as stated by Sandra Day O'Connor in New York v. United States, 488 U.S. 1041 (1992), this is not to say that congress lacks the ability to encourage a state to regulate in a particular way or that congress may not hold out incentives to the states as a method of influencing a states policy choices. HCR 19 is confusing and poorly drafted, but appears to reject most authority of congress to regulate and therefore makes an incorrect statement of accepted constitutional law. Finally, HCR 19 rejects the authority of the courts to determine the constitutionality of legislative acts, which is also beyond serious constitutional question.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Itse spoke in favor and yielded to questions.

Rep. Serlin spoke against and requested a roll call; sufficiently seconded.

YEAS 242 NAYS 109

YEAS 242

BELKNAP

Accornero, Harry
Luther, Robert
Tilton, Franklin

Comtois, Guy
Malone, Robert
Tobin, William

Fields, Dennis
Russell, David
Worsman, Colette

Greemore, Robert
Swinford, Elaine

CARROLL

Babson, David Jr
McCarthy, Frank
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

Knox, J. David
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sorg, Gregory

Bulis, Lyle
Ladd, Rick Jr
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Beattie, Thomas	Belanger, James	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Burt, John	Buxton, Michael
Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Condra, William	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gonzalez, Carlos
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn
Krasucki, Joseph	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Messier, Irene
Murphy, Keith	Notter, Jeanine	Ober, Lynne	Ober, Russell III
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Proulx, Mark
Renzullo, Andrew	Rowe, Robert	Scoutsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Stepanek, Stephen
Summers, James	Swank, Matthew	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
Giuda, J. Brandon	Hill, Gregory	Hoell, J.R.	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lindsley, Mark	McDonnell, John
McGuire, Carol	McGuire, Dan	Palfrey, David	Reed, Dennis
Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly	Smith, Todd
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Bettencourt, David	Birdsell, Regina
Brown, Paul	Case, Frank	Charron, Gene	Chirichiello, Brian
Comerford, Timothy	Copeland, Timothy	Davenport, Joshua	DeSimone, Debra
Devine, James	Dowling, Patricia	Duarte, Joe	Elliott, Robert
Ferrante, Beverly	Fesh, Robert	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Lundgren, David	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Oigny, Jeffrey	Packard, Sherman
Perkins, Amy	Perkins, Lawrence	Quandt, Marshall	Quandt, Matt
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	Schroader, Adam	Sedensky, John
Sheffert, Kenneth	Shuler, Wyman III	Smith, William	Sullivan, James
Sullivan, Kevin	Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella
Tucker, Pamela	Waddell, James	Ward, Joanne	Webb, James
Welch, David	Weyler, Kenneth	Wheaton, Gary	

STRAFFORD

Andolina, Donald	DeLemus, Susan	Groen, Warren	Horrigan, Timothy
Jones, Kyle	Jones, Laura	Larsen, Kirsten	Leonard, Frederick Jr
Munck, Philip	Newton, Clifford	O'Connor, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly
Smith, Steven			

NAYS 109**BELKNAP**

Bolster, Peter	Millham, Alida	Pilliod, James	St. Cyr, Jeffrey
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CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Hawkes, Samuel
Hunt, John	Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin	Belvin, William	Brunelle, Michael	Campbell, David
Cote, David	Gargas, Carolyn	Garrity, Patrick	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gorman, Mary	Graham, John
Judy, Jean	Katsiantonis, Thomas	Kurk, Neal	Long, Patrick
Pilote, Maurice	Porter, Marjorie	Rhodes, Brian	Robbins, David
Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara	Sullivan, Daniel

MERRIMACK

Bouchard, Candace	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hess, David	Kidder, David	Lockwood, Priscilla
MacKay, James	Owen, Derek	Patten, Dick	Potter, FrRice, Chip
Richardson, Gary	Richardson, Jon	Shurtleff, Stephen	
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Garcia, Marilinda	Gould, Kenneth
Lovejoy, Patricia	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Powers, James	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher

STRAFFORD

Brown, Julie	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Hofemann, Roland	Hooper, Dorothea	Kaen, Naida	Keans, Sandra
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report was adopted and ordered to third reading.

HB 292-FN, relative to securities regulation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Philip E. Ginsburg for the Majority of Criminal Justice and Public Safety: As the second committee, Criminal Justice and Public Safety examined the penalty portion of this bill. The

committee supported the increase of penalty for unlawful representation concerning registration from a misdemeanor to a class B felony, but amended the bill to leave violations of licensing requirements and registration requirements as misdemeanors except for subsequent violations which will be a felony level offense. Vote 10-6.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: This bill would change statute to increase penalties for misdemeanor to felony level for certain actions, including violations of RSA 421-B: 6, B: 11 and B: 20, relative to licensing and registration requirements. The minority believes this bill is flawed. Some of the language is ambiguous and includes undefined terms such as “public welfare offense.” Securities bureau personnel testified that only one or two people were prosecuted last year for misdemeanor charges.

Majority Amendment (1126h)

Amend RSA 421-B:24, II as inserted by section 7 of the bill by replacing it with the following:

II. Any person who willfully violates RSA 421-B:6[.] **or** 421-B:11 [~~or 421-B:20~~] shall be guilty of a class A misdemeanor if a natural person, and guilty of a felony if any other person. **Any person who willfully violates RSA 421-B:20 shall be guilty of a felony.** Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense. For any subsequent offense **under RSA 421-B:6 or RSA 421-B:11**, any person shall be guilty of a class B felony.

LAI D ON THE TABLE

Rep. Swinford moved that **HB 292-FN**, relative to securities regulation, be laid on the table.

On a division vote, 331 members having voted in the affirmative and 17 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 375, relative to immunity for school personnel using reasonable force to protect pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A. Balboni for Education: This bill was referred to the Education Committee as a second committee after the unanimous affirming vote by the Judiciary Committee and majority voice vote of the House. The committee unanimously agrees with the Judiciary Committee which stated that, “This bill addresses a significant problem in New Hampshire schools, namely the imbalance of power favoring students who promote disruption and violence while under a teacher’s care and supervision....The committee unanimously believes that the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others.” (Judiciary Committee Report, House Record Vol. 33, No. 15, February 18, 2011). Testimony from teachers and administrators received by this committee confirmed that, due to the lack of parental support and the threat of lawsuits, teachers are afraid to intervene when students exhibit disruptive or violent behavior, possibly resulting in harm to themselves or others. We also heard testimony from the attorney general’s office which did not previously testify before the Judiciary Committee. The AG’s office is concerned that the bill’s wording would narrow the scope of current legal protections, possibly opening litigation and criminal charges against non-teacher care givers unconnected to the traditional school setting. The bill does this by changing the word “minor” in current law to “pupil,” removing protection from those who care for “minors” who are not legally considered “pupils,” for example, those in day care centers, those involved in after school programs and those housed at state facilities such as the Sununu Youth Services Center. Therefore, the committee has proposed an amendment to the bill that would return the wording to “minor” in order to maintain the protections in current law. We also discussed the bill’s change from “necessary force” to “reasonable force.” The AG’s office believes “reasonable” is the more legally appropriate term. Vote 12-0.

Amendment (1128h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

Amend RSA 627:6, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes *or pupil* is justified ~~[on the premises]~~ *during the care and supervision of the minor or pupil* in using [necessary] *reasonable* force against any such minor *or pupil*, when the minor *or pupil* creates a disturbance, or refuses to leave the premises, or when it is necessary for the maintenance of discipline. *A teacher or person otherwise entrusted with the care or supervision of such minor or pupil shall be immune from any civil or criminal liability for any act or omission performed in good faith and in accordance with this paragraph.*

AMENDED ANALYSIS

This bill provides civil and criminal immunity for good faith acts or omissions performed by teachers or persons otherwise entrusted with the care or supervision of a minor for special purposes or pupil.

Amendment adopted.

Committee report adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Bettencourt moved that **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013 and **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures, be Special Ordered to the end of the Regular Calendar beginning with **HB 2-FN-A-L**.

Rep. Bettencourt spoke in favor and yielded to questions.

Motion adopted.

REGULAR CALENDAR (CONT'D)

HB 160, relative to decisions and actions of the joint committee on legislative facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for Finance: The legislative facilities committee has a narrow and detailed function. It approves budget transfers within the legislative budget and sets salaries and appointments of legislative employees. It may enter into contracts and hire consultants. It establishes policy for the use of legislative facilities. None of these functions seem to arise to the importance of involving the whole House or Senate. The change to making the committee responsible for the policies regarding the operation of the facilities would require more frequent meetings to accomplish a function now detailed to Chiefs of Staff. The ability to put a stay by one member for 14 days creates some problematic scenarios. If a large group is allowed to use the House Chamber for a forum, and one member has objection that member could enter a stay the day before, and thus cause cancellation of a long-planned event, which has no alternative space. The majority saw no reason to make such a drastic change to something that appears to be working and saving the deliberations of the General Court for more important matters. Vote 17-3.

Reps. Renzullo and Weyler spoke against.

Committee report failed.

Rep. Renzullo moved Ought to Pass and offered floor amendment (1236h).

Floor Amendment (1236h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the powers of the joint committee on legislative facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Joint Committee on Legislative Facilities; Powers and Duties. Amend RSA 17-E:5-a, VIII to read as follows:

VIII. To establish policies regarding the use of the facilities under control of the legislature in the state house, the legislative office building, the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management. *Beginning July 1, 2011, nothing in this paragraph shall authorize the committee to revise or establish a policy on the carrying of weapons in the state house complex, unless such policy revision or establishment is approved by legislation adopted by the general court.*

2 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill requires that beginning July 1, 2011, any policy revision concerning the carrying of weapons in the state house complex must be by legislation adopted by the general court.

Rep. Renzullo spoke in favor.
 Floor amendment (1236h) adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.
 Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 255 NAYS 95

YEAS 255

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Emerson, Susan	Hunt, John
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Thomas, Yvonne	Tremblay, Marc		

GRAFTON

Bradley, Lester	Bulis, Lyle	Eaton, Stephanie	Gionet, Edmond
Ingbretonson, Paul	Ladd, Rick Jr	Reilly, Harold Sr	Simard, Paul
Sorg, Gregory	Sova, Charles	Townsend, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Beattie, Thomas	Belanger, James	Belvin, William
Bergevin, Jerry	Boehm, Ralph	Brown, Kevin	Burt, John
Buxton, Michael	Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris
Christiansen, Lars	Coffey, James	Condra, William	Cusson-Cail, Kathleen
Daniels, Gary	Day, Russell	DeJong, Cameron	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gimas, John	Gonzalez, Carlos
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McClarren, Donald	McGuinness, Sean	Messier, Irene
Murphy, Keith	Ober, Lynne	Ober, Russell III	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Parison, James	Pellegrino, Tony
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Renzullo, Andrew
Robbins, David	Rowe, Robert	Scotsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Stepanek, Stephen
Summers, James	Swank, Matthew	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Kidder, David
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

Brown, Julie
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

**NAYS 95
BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Theberge, Robert

Tholl, John Jr

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Jeady, Jean	Katsiantonis, Thomas	Long, Patrick	Pilotte, Maurice
Porter, Marjorie	Ramsey, Peter	Rhodes, Brian	Rokas, Ted
Rosenwald, Cindy	Shaw, Barbara	Sullivan, Daniel	

MERRIMACK

Bouchard, Candace	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	MacKay, James	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Gould, Kenneth	Lovejoy, Patricia
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Perkins, Lawrence
Powers, James	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Hofemann, Roland	Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the motion was adopted and ordered to third reading.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, and Keene District Courts and establishing a committee to study the utilization of existing facilities to house courts leased by communities through the state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William S. Belvin for Finance: This bill grows out of an attempt to close a number of district courts in the current biennium, which all remain open today due to 2009 legislative action. HB 438 desires to keep these courts open going forward. As introduced, the bill did three things: it kept open in FY's 2012 & 2013 the district courts in Colebrook, Claremont, Keene and Milford; it appropriated funds to reimburse the towns for expenses to keep the district courts open in FY 2011; and established a committee to study leased court space. The bill came out of the Judiciary Committee as OTP and was so voted on the House floor. It was referred to the Finance Committee as a second committee due to its fiscal impact. In Finance the bill was amended to remove all funds and the study committee, leaving the approved policy requirement in place to keep these four courts open and additionally the Plaistow District Court in FY 2012 & 2013. It is important to keep justice close to the people as required by RSA 502-A:2 which says in part "...The administrative judge shall consider the convenience of each court's users" Vote 20-4.

Amendment (0892h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.

Amend the bill by replacing all after the enacting clause with the following:

1 Operation and Funding of Certain District Courts. For the fiscal years ending June 30, 2012 and June 30, 2013, the Colebrook District Court, the Keene District Court, the Claremont District Court, the Plaistow District Court, and the Milford District Court shall remain open and the judicial branch shall pay the costs of maintaining such courts within its operating budget.

2 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill requires the judicial branch to continue to operate the Claremont, Colebrook, Milford, Plaistow, and Keene District Courts in fiscal years 2012 and 2013 within its operating budget. Amendment adopted.

Committee report adopted and ordered to third reading.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities. **OUGHT TO PASS.**

Rep. Thomas E. Keane for Finance: This bill reinstates a previous law that sunset. The law allows the department of health and human services, under the supervision of a probate court, to manage a state licensed Medicaid nursing home or other residential facility that fails financially. Under this law, the department would appoint a qualified administrator to manage the day-to-day operations until such time as a bankruptcy court appoints a master. There is the potential for some cost to the state to maintain services on a temporary basis but the state has collected fees over the years that would likely offset the cost. Vote 24-0.

Committee report adopted and ordered to third reading.

HB 490-FN, adopting the interstate compact for juveniles. **OUGHT TO PASS.**

Rep. Sharon Nordgren for Finance: Continuing with our membership in the interstate compact will allow the state to be reimbursed by other states for services provided to children from other states. In the event of a runaway child, need for joint supervision or mutual assistance, the State of NH would be allowed to collect payment from the other state involved. Also law enforcement agencies would be notified if a juvenile offender is authorized to travel or is relocated across state lines. Dues for this compact for NH will be \$12,000 calculated by state population and activity. Vote 24-0.

Committee report adopted and ordered to third reading.

(Rep. Bettencourt in the Chair)

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. **MAJORITY: OUGHT TO PASS. MINORITY: IN-EXPEDIENT TO LEGISLATE.**

Rep. Neal M. Kurk for the Majority of Finance: This bill repeals the carbon tax on electricity generation in New Hampshire. More than \$30 million has already been taken out of the New Hampshire economy that could have been used to create jobs. The balance of RGGI funds as of January 1, 2012 will be transferred to the state-created CORE energy efficiency program to directly benefit additional individuals and business electricity customers. Vote 17-6Rep. Robert A. Foose for the Minority of Finance: RGGI is scheduled to undergo a complete review by the PUC to be completed by the end of 2011. The minority believes that the legislature should not interfere with the PUC review process. The PUC should be allowed to complete its study and release its report. Moreover, as long as New Hampshire continues to be part of ISO, we will continue to pay for RGGI. But, if we repeal it, we will no longer reap its benefits. This will mean a yearly financial loss of 8 to 13 million dollars for New Hampshire.

The question being adoption of the majority committee report of Ought to Pass.

Rep. James Garrity spoke in favor.

Rep. Foose spoke against and requested a roll call; sufficiently seconded.

YEAS 251 NAYS 108

YEAS 251**BELKNAP**

Accornero, Harry
Kingsbury, Robert
Russell, David
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sorg, Gregory

Bulis, Lyle
Ladd, Rick Jr
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John
Coffey, James
Day, Russell
Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
McCarthy, Michael
O'Brien, William
Palmer, Barry
Pepino, Leo
Robbins, David
Silva, Peter
Summers, James
Twombly, Timothy
Warden, Mark

Balboni, Michael
Beattie, Thomas
Brown, Kevin
Champagne, Norma
Condra, William
DeJong, Cameron
Erickson, Duane
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Belvin, William
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ober, Russell III
Parison, James
Pratt, Calvin
Scoutsas, Lisa
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

Cox, Sean
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

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Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oligny, Jeffrey
Quandt, Marshall

Antosz, Jason
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Quandt, Matt

Azarian, Gary
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Perkins, Amy
Reagan, John

Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

Rice, Frederick
 Schroadter, Adam
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin
 Wheaton, Gary

STRAFFORD

Andolina, Donald
 Jones, Laura
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie

Jones, Kyle
 Munck, Philip
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 108

BELKNAP

Bolster, Peter

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
 Johnsen, Gladys
 Parkhurst, Henry
 Tatro, Bruce

Carr, Daniel
 Lerandeau, Alfred
 Roberts, Kris
 Weber, Lucy

Chase, Cynthia
 Lindsey, Steven
 Sad, Tara
 Weed, Charles

Hawkes, Samuel
 Meader, David
 Sterling, Franklin Jr

COOS

Coulombe, Gary

Remick, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
 Gould, Franklin
 Pierce, David
 White, Andrew

Almy, Susan
 Harding, Laurie
 Smith, Suzanne

Benn, Bernard
 Nordgren, Sharon
 Taylor, Kathleen

Cooney, Mary
 Pastor, Beatriz
 Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
 Cote, David
 Gidge, Kenneth
 Katsiantonis, Thomas
 Porter, Marjorie
 Rosenwald, Cindy

Belanger, James
 Drisko, Richard
 Goley, Jeffrey
 Long, Patrick
 Ramsey, Peter
 Shaw, Barbara

Brunelle, Michael
 Gargas, Carolyn
 Gorman, Mary
 Messier, Irene
 Rhodes, Brian
 Sullivan, Daniel

Campbell, David
 Garrity, Patrick
 Judy, Jean
 Pilotte, Maurice
 Rokas, Ted

MERRIMACK

Bouchard, Candace
 Gile, Mary
 MacKay, James
 Rice, Chip
 Watrous, Rick

DeStefano, Stephen
 Hamm, Christine
 Owen, Derek
 Richardson, Gary
 Williams, Robert

Foose, Robert
 Kidder, David
 Patten, Dick
 Shurtleff, Stephen

Frazer, June
 Lockwood, Priscilla
 Potter, Frances
 Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
 Moody, Marcia
 Powers, James

DiPentima, Rich
 Murphy, Brian
 Read, Robin Jr

Gould, Kenneth
 Norelli, Terie
 Schlachman, Donna

Lovejoy, Patricia
 Pantelakos, Laura
 Serlin, Christopher

STRAFFORD

Berube, Roger
 Grassie, Anne
 Kaen, Naida
 Spainhower, Dale
 Watters, David

Brown, Julie
 Hofemann, Roland
 Keans, Sandra
 Spang, Judith

Browne, Brendon
 Hooper, Dorothea
 Roberts, Jenna
 Sprague, Dale

Ginsburg, Philip
 Horrigan, Timothy
 Schmidt, Peter
 Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

(Speaker O'Brien in the Chair)

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Dan McGuire for Finance: This bill directs the governor to create a plan to consolidate both back office and front office operations where savings are available. This goes beyond similar measures already present in the governor's proposed budget. We will be very pleased if even a fraction of the anticipated savings materialize. Vote 17-0.

Committee report adopted and ordered to third reading.

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L. Weyler for Finance: This bill was sent to Finance because it was felt that language requiring the House Clerk to deliver the resolution, meant that she must bring it in person to all the addressees. The committee changed that section to "cause to be delivered." We also deleted the other state legislatures from the addressee list. Vote 16-8.

Amendment (1025h)

Amend the resolution by replacing the second paragraph after the resolving clause with the following:

That the clerk of the house of representatives shall cause to be delivered signed copies of this resolution to the President of the United States of America, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation, urging them to give it wide dissemination amongst their bodies, so that they may be apprised of the sense of the citizens of New Hampshire in this matter.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Peter Schmidt spoke against.

Rep. Weyler spoke in favor and yielded to questions.

On a division vote, 213 members having voted in the affirmative and 132 in the negative, the committee report was adopted and ordered to third reading.

HB 651, allowing the sale and possession of monk parakeets. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Gary S. Hopper for the Majority of Fish and Game and Marine Resources: This bill would lift all restrictions on the sale or possession of a Monk/Quaker Parrot. Unlike other tropical birds, Quakers are an intelligent and adaptable bird. In fact, there is a colony of about 200 in Chicago. As a result of people being unaware that the Quakers were illegal, there are roughly 1000 birds in the state today. The committee feels it is unwise to take a chance on allowing more. The amended version will grandfather the parrots that are currently in the state and discontinues the introduction of any more. Vote 12-1.

Rep. Jenna J. Roberts for the Minority of Fish and Game and Marine Resources: The original bill allowed for the possession and sale of Quaker or Monk parakeets. This bill, as amended, bans the sale and possession of these common pets. According to testimony by fish and game, no monk parakeets are known to be living wildly in New Hampshire. Of those wild populations living in other states, the reported issue is these feral populations can cause damage to power lines but do not negatively

impact crops or threaten native species. Currently, 30 states, including some with wild populations, have no restrictions on possession or sale of these well-loved, family-friendly pets. It is a bird sold by pet stores and home-breeders alike. In fact, Massachusetts lifted its ban against this bird. Even in Connecticut where this bird has caused a nuisance for utility poles, the state allows possession but restricts their sale. The minority opposes the amendment.

Majority Amendment (1066h)

Amend the title of the bill by replacing it with the following:

AN ACT banning the sale and possession of monk parakeets.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Monk Parakeets. Amend RSA 437 by inserting after section 17 the following new section:

437:17-a Monk Parakeets. Monk parakeets (*Myiopsitta monachus*), also known as quaker parrots, shall not be possessed, bred, or sold within the state.

2 Monk Parakeets; Exception. Any person in possession of one or more monk parakeets on the 30th day after the passage of this act shall not be in violation of RSA 437:17-a, provided that said person does not breed the monk parakeets in his or her possession.

3 Invasive Species. The commissioner of the department of agriculture, markets, and food shall add monk parakeets (*Myiopsitta monachus*) to the invasive species list.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Bans the possession, breeding, and sale of monk parakeets.

II. Allows those persons who own monk parakeets at the time of the passage of this act to possess those monk parakeets.

III. Requires the commissioner of the department of agriculture, markets, and food to add monk parakeets to the invasive species list.

Reps. Notter, Jenna Roberts, Bowers and James Belanger spoke against.

Rep. Newton spoke in favor.

On a division vote, 120 members having voted in the affirmative and 237 in the negative, the majority committee amendment failed.

Minority committee report of Ought to Pass adopted and ordered to third reading.

REMOVED FROM THE TABLE

Rep. Bettencourt moved that **CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit, be removed from the table. (Pending question: Minority committee report of Inexpedient to Legislate)

On a division vote, 248 members having voted in the affirmative and 118 in the negative, the motion was adopted.

MOTION TO SUSPEND HOUSE RULES

Rep. Bettencourt moved that House Rules be suspended as to allow further consideration on **CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.

Rep. Weber spoke against.

Rep. Jasper spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 258 NAYS 114

YEAS 258

BELKNAP

Accornero, Harry

Comtois, Guy

Fields, Dennis

Greemore, Robert

Kingsbury, Robert
St. Cyr, Jeffrey
Worsman, Colette

Luther, Robert
Swinford, Elaine

Malone, Robert
Tilton, Franklin

Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettingill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Beattie, Thomas
Boehm, Ralph
Cebrowski, John
Coffey, James
Day, Russell
Drisko, Richard
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belanger, James
Brown, Kevin
Champagne, Norma
Condra, William
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Belvin, William
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Barry, Richard
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Comerford, Timothy
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

Allen, Mary
 Bates, David
 Case, Frank
 Copeland, Timothy
 Dowling, Patricia
 Fesh, Robert
 Hagan, Joseph
 Itse, Daniel
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Quandt, Marshall
 Rice, Frederick
 Schroadter, Adam
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

Antosz, Jason
 Bettencourt, David
 Charron, Gene
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Kappler, Lawrence
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Quandt, Matt
 Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Azarian, Gary
 Birdsell, Regina
 Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Manuse, Andrew
 Murphy, Brian
 Oligny, Jeffrey
 Reagan, John
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin
 Wheaton, Gary

STRAFFORD

Andolina, Donald
 Jones, Laura
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie

Jones, Kyle
 Munck, Philip
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 114**BELKNAP**

Bolster, Peter

Millham, Alida

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
 Hawkes, Samuel
 Meader, David
 Tatro, Bruce

Carr, Daniel
 Johnsen, Gladys
 Parkhurst, Henry
 Weber, Lucy

Chase, Cynthia
 Lerandeau, Alfred
 Roberts, Kris
 Weed, Charles

Emerson, Susan
 Lindsey, Steven
 Sad, Tara

COOS

Coulombe, Gary
 Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
 Gould, Franklin
 Pastor, Beatriz
 Townsend, Charles

Almy, Susan
 Harding, Laurie
 Pierce, David
 White, Andrew

Benn, Bernard
 Ladd, Rick Jr
 Smith, Suzanne

Cooney, Mary
 Nordgren, Sharon
 Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
 Cote, David

Baroody, Benjamin
 Gargasz, Carolyn

Brunelle, Michael
 Garrity, Patrick

Campbell, David
 Gidge, Kenneth

Gimas, John
Katsiantonis, Thomas
Porter, Marjorie
Rokas, Ted

Goley, Jeffrey
Long, Patrick
Ramsey, Peter
Rosenwald, Cindy

Gorman, Mary
Messier, Irene
Rhodes, Brian
Shaw, Barbara

Jeady, Jean
Pilotte, Maurice
Robbins, David
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
MacKay, James
Rice, Chip
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary
Williams, Robert

Foose, Robert
Kidder, David
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Powers, James

Gould, Kenneth
Pantelakos, Laura
Read, Robin Jr

Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the motion was adopted by the necessary two-thirds vote.

CONSIDERATION OF CACR 6

The question being adoption of the minority committee report of Inexpedient to Legislate.

Rep. Stepanek spoke against.

Reps. Almy and DiPentima spoke in favor.

Rep. Greazzo requested a roll call; sufficiently seconded.

YEAS 119 NAYS 251

YEAS 119 BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Meador, David
Sterling, Franklin Jr

Carr, Daniel
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Hawkes, Samuel
Lindsey, Steven
Sad, Tara
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Harding, Laurie
Pierce, David
White, Andrew

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Cote, David
Garrity, Patrick
Gorman, Mary
Messier, Irene
Rhodes, Brian
Shaw, Barbara

Baroody, Benjamin
Day, Russell
Gidge, Kenneth
Jeudy, Jean
Pilote, Maurice
Robbins, David
Sullivan, Daniel

Brunelle, Michael
Drisko, Richard
Gimas, John
Katsiantonis, Thomas
Porter, Marjorie
Rokas, Ted

Campbell, David
Gargas, Carolyn
Goley, Jeffrey
Long, Patrick
Ramsey, Peter
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
MacKay, James
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Rice, Chip
Watrous, Rick

Foose, Robert
Kidder, David
Palfrey, David
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura
Read, Robin Jr

Case, Frank
Moody, Marcia
Perkins, Amy
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Perkins, Lawrence
Serlin, Christopher

Gould, Kenneth
O'Connor, John
Powers, James

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Horriggan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

NAYS 251**BELKNAP**

Accornero, Harry
Greemore, Robert
Pilliod, James
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Russell, David
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

Hunt, John

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin	Ball, J. Michael	Barry, J. Gail	Barry, Richard
Beattie, Thomas	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Burt, John	Buxton, Michael
Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Condra, William	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Emerton, Larry
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Gandia, Laura	Gonzalez, Carlos	Graham, John	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Pepino, Leo
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Renzullo, Andrew
Rowe, Robert	Scontos, Lisa	Seidel, Carl	Silva, Peter
Simmons, Tammy	Soucy, Connie	Stepanek, Stephen	Stroud, Kathleen
Summers, James	Swank, Matthew	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
Giuda, J. Brandon	Hess, David	Hill, Gregory	Hoell, J.R.
Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lindsley, Mark
McDonnell, John	McGuire, Carol	McGuire, Dan	Reed, Dennis
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
Smith, Todd	Soltani, Tony	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Birdsell, Regina	Brown, Paul
Charron, Gene	Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy
Davenport, Joshua	DeSimone, Debra	Devine, James	Dowling, Patricia
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter	Lundgren, David
Major, Norman	Manuse, Andrew	Mauro, Donna	McKinney, Betsy
McMahon, Charles	Murphy, Brian	Nevins, Chris	Okerman, Richard
Oligny, Jeffrey	Packard, Sherman	Quandt, Marshall	Quandt, Matt
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Schroadter, Adam	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sullivan, Kevin
Sytek, John	Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella
Tucker, Pamela	Waddell, James	Ward, Joanne	Waterhouse, Kevin
Webb, James	Welch, David	Weyler, Kenneth	Wheaton, Gary

STRAFFORD

Andolina, Donald	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen, Kirsten	Leonard, Frederick Jr	Munck, Philip
Newton, Clifford	O'Connor, William	Parsons, Robbie	Pitre, Joseph
Vita, Carol	Vita, Lucien		

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Osgood, Joe	Rodeschin, Beverly	Smith, Steven

and the minority committee report failed.

Rep. Jasper moved Ought to Pass and offered floor amendment (1169h).

Floor Amendment (1169h)

Amend the title of the resolution by replacing it with the following:

RELATING TO: taxation.

PROVIDING THAT: a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new articles:

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the members present and voting in the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state, or to authorize the issuance of state bonds.

[Art.] 5-d. [Appropriation for Payment of Interest and Installments of Principle on Bonded Debt.] The general court shall provide by appropriation for the payment of interest upon and installments of principle of all bonded debt created on behalf of the State as the same shall become due and payable. If at anytime the general court shall fail to make any such appropriation, the treasurer of the State shall set apart from the first general fund revenues thereafter received a sum sufficient to pay such interest or installments of principle and shall so apply the money thus set apart.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 5-b a new articles to read as follows:

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the members present and voting in the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state, or to authorize the issuance of state bonds.

[Art.] 5-d. [Appropriation for Payment of Interest and Installments of Principle on Bonded Debt.] The general court shall provide by appropriation for the payment of interest upon and installments of principle of all bonded debt created on behalf of the State as the same shall become due and payable. If at anytime the general court shall fail to make any such appropriation, the treasurer of the State shall set apart from the first general fund revenues thereafter received a sum sufficient to pay such interest or installments of principle and shall so apply the money thus set apart.”

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that a 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase any tax or license fee that has been levied, or to authorize the issuance of state bonds.

This resolution also provides for appropriations for the payment of interest and installments of principle of all bonded state debt.

APPEAL THE RULING OF THE CHAIR

Rep. Norelli appealed the ruling of the Chair whereby the Chair declared that no further motion to suspend the rules was necessary for action on **CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.

The question being shall the ruling of the Chair be upheld?

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 270 NAYS 101**YEAS 270****BELKNAP**

Accornero, Harry
Greemore, Robert
Millham, Alida
Swinford, Elaine

Bolster, Peter
Kingsbury, Robert
Pilliod, James
Tilton, Franklin

Comtois, Guy
Luther, Robert
Russell, David
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John
Coffey, James
Day, Russell
Drisko, Richard
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Beattie, Thomas
Brown, Kevin
Champagne, Norma
Condra, William
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belvin, William
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon

Coffey, Jennifer
Hess, David

Cohn, Seth
Hill, Gregory

Cox, Sean
Hoell, J.R.

Kidder, David
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrrity, James
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oligny, Jeffrey
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Azarian, Gary
Birdsell, Regina
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 101 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gimas, John
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Belanger, James
Gargas, Carolyn
Goley, Jeffrey
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Gidge, Kenneth
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

Norelli, Terie
Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
and the ruling of the Chair was upheld.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

The question now being adoption of floor amendment (1169h).
Rep. Almy spoke against.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 265 NAYS 107**YEAS 265****BELKNAP**

Accornero, Harry
Greemore, Robert
Millham, Alida
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Russell, David
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Cebrowski, John
Coffey, James
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Belanger, James
Brown, Kevin
Champagne, Norma
Condra, William
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Belvin, William
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Coffey, Jennifer
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin

Sytek, John
Tucker, Pamela
Webb, James

Tamburello, Daniel
Waddell, James
Welch, David

Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

Brown, Julie
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 107

BELKNAP

Pilliod, James

None

CARROLL

CHESHIRE

Butynski, William
Hawkes, Samuel
Meador, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Day, Russell
Gimas, John
Katsiantonis, Thomas
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Gargasz, Carolyn
Goley, Jeffrey
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Garrity, Patrick
Gorman, Mary
Pilotte, Maurice
Rokas, Ted

Cote, David
Gidge, Kenneth
Judy, Jean
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Powers, James

Gould, Kenneth
Pantelakos, Laura
Read, Robin Jr

Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

STRAFFORD

Berube, Roger
Hofemann, Roland
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and floor amendment (1169h) was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment. Reps. Kenneth Gould and Gary Richardson spoke against and yielded to questions. Reps. Vaillancourt and Jasper spoke in favor and yielded to questions. Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 256 NAYS 117**YEAS 256****BELKNAP**

Accornero, Harry
Kingsbury, Robert
Russell, David
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Emerton, Larry
Gagne, Larry
Haefner, Robert
Hikel, John

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Cebrowski, John
Coffey, James
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Hansen, Peter
Hinch, Richard

Ball, J. Michael
Belanger, James
Brown, Kevin
Champagne, Norma
Condra, William
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith

Barry, J. Gail
Belvin, William
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank

Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Infantine, William
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Cox, Sean
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

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Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

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Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Newton, Clifford
Vita, Carol

Groen, Warren
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Hofemann, Roland
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 117 BELKNAP

Bolster, Peter

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

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Coulombe, Gary
Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

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Gould, Franklin
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Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Day, Russell
Gidge, Kenneth
Graham, John
Messier, Irene
Rhodes, Brian
Shaw, Barbara

Brunelle, Michael
Drisko, Richard
Gimas, John
Jeudy, Jean
Pilotte, Maurice
Robbins, David
Sullivan, Daniel

Campbell, David
Gargas, Carolyn
Goley, Jeffrey
Katsiantonis, Thomas
Porter, Marjorie
Rokas, Ted

Cote, David
Garrity, Patrick
Gorman, Mary
Long, Patrick
Ramsey, Peter
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
MacKay, James
Rice, Chip
Watrous, Rick

Foose, Robert
Hess, David
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura
Read, Robin Jr

Case, Frank
Moody, Marcia
Perkins, Amy
Sapareto, Frank

DiPentima, Rich
Norelli, Terie
Perkins, Lawrence
Schlachman, Donna

Gould, Kenneth
O'Connor, John
Powers, James
Serlin, Christopher

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

Brown, Julie
Grassie, Anne
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Domingo, Baldwin
Horriggan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the motion was adopted by the necessary three-fifths vote and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 256-117, it adopted the motion of Ought to Pass with Amendment on **CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing

new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

Rep. Bettencourt spoke against.

On a division vote, 104 members having voted in the affirmative and 269 in the negative, the motion failed.

MOTION TO PRINT DEBATE

Rep. Tamburello moved that the debate on **CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds, be printed in the Permanent Journal. Adopted.

DEBATE ON CACR 6

Speaker O'Brien: The Chair recognizes Rep. Bettencourt for a parliamentary inquiry.

Rep. Bettencourt: Mister Speaker, my question is if we were to attempt to take CACR 6 off the table, what is the parliamentary procedure that we would be facing?

Speaker O'Brien: Rep. Bettencourt, if there was a motion to take CACR 6 off the table, it would require a majority vote to come off the table. It is past the deadline for first committee bills and therefore it would require a motion to suspend the rules in order for there to be further action on CACR 6 and that would require two-thirds of those present. Thereafter, the pending motion is Inexpedient to Legislate. It would require a majority vote to defeat that motion or for that motion to carry. If that motion does not carry, it is open for further motions. To amend it would require a majority vote. If the motion is Ought to Pass or Ought to Pass with Amendment, that would require three-fifths of the House that is present and that would be 239 members that would have to vote in the affirmative.

Rep. Bettencourt: Mister Speaker, I move that CACR 6 be taken off the table.

Speaker O'Brien: Rep. Bettencourt moves that CACR 6 be taken off the table. The motion before the House is to take CACR 6 off the table. Are you ready for the vote? A division vote has been requested. This is a division vote. Will members please take their seats? The House will come to order. The question before the House is the motion by Rep. Bettencourt to remove CACR 6 from the table. This is a division vote. The Chair recognizes Rep. Bettencourt for the purpose of a parliamentary inquiry.

Rep. Bettencourt: Mister Speaker, if I knew that CACR 6 needed fine tuning and it was therefore placed on the table. Mister Speaker, if I know that we came within five votes of passing the amendment on the initial vote and there were individuals that wanted to participate, but couldn't and, if I also knew Mister Speaker that this legislation has been improved and deserves to be debated on the floor again, would I press the green button so that we may remove CACR 6 from the table.

Speaker O'Brien: The question before the House is the motion of Rep. Bettencourt to remove CACR 6 from the table. This is a division vote. If you are in favor of removing CACR 6 from the table, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 60 seconds. The House will be attentive to the state of the vote. With 248 members having voted in the affirmative and 118 in the negative the motion carries. The Chair recognizes Rep. Bettencourt for a motion.

Rep. Bettencourt: Mister Speaker, I would move that the rules be so far suspended as to allow us to be able to adequately take up CACR 6.

Speaker O'Brien: Rep. Bettencourt moves to suspend the rules to allow further action on CACR 6. The Chair recognizes Rep. Weber for the purpose of comments.

Rep. Weber: Thank you, Mister Speaker. Mister Speaker, this House had every opportunity to debate, to consider, to deliberate this bill and they did so and the orderly business of this House requires that we progress on to other matters because the decision has already been made on this issue. So I would urge a no vote on the rules suspension.

Speaker O'Brien: The question before the House is the motion to suspend the rules to allow further action on CACR 6. The Chair recognizes Rep. Jasper for comments.

Rep. Jasper: Thank you, Mister Speaker. I would urge the body to suspend the rules to allow us to consider further amendments and action on this CACR. We know it came very close. There were

imperfections in the amendment that was before us a couple of weeks ago and by suspending the rules, and the reason we need to suspend the rules is because we are after the deadline for bills going to a first committee and I think it's important that we take this up and fully debate all the other actions relative to this CACR. Thank you.

Speaker O'Brien: For what purpose does the member rise?

Rep. Gary Richardson: Parliamentary inquiry of the previous speaker please.

Speaker O'Brien: Does the member yield to a question? I assume this is a question of the speaker and not a parliamentary inquiry.

Rep. Gary Richardson: That is correct, Mister Speaker. My question is this. I believe we are being asked to suspend the rules so that we can take up a new amendment to CACR 6 and I assume the reason for the rules that we have about deadlines and all is so that we can have public hearings and open debate and discussion of matters before we have to vote on them on the floor. So my question to you is, you have alluded to changes to CACR 6, but I think we need to know how extensive those changes are before we are asked to suspend rules and then have to vote on a constitutional amendment with no public hearing.

Rep. Jasper: Thank you for the question. My belief is the reason, first of all, that we have the rules the way we do is because bills going to a second committee, there are quite a few of them, and if we had them all intertwined, crossover could be a very difficult time, even as it is with the rules. I don't think it has anything to do with public hearings. I think it has a matter of doing with how many committees these bills need to go to. As you well know, we have many amendments in our seat pockets today from your colleagues having to do with the budget and HB 1 and HB 2 which also have not gone to a public hearing. You also know that we quite often adopt floor amendments to bills. The requirement is that bills have a public hearing, not floor amendments. So this is going through the normal process and all we are asking at this time is to suspend the rules because of that deadline and we will then have the full debate on the amendment which is in the seat pocket.

Rep. Gary Richardson: Follow up, Mister Speaker.

Speaker O'Brien: Does the member yield for a follow up question? The member does yield. Rep. Richardson please proceed.

Rep. Gary Richardson: I assume you are referring to the amendment that is in the seat pocket which seems to me to be a substantial revision of the bill. So could you describe for us, before we suspend the rules, exactly what are differences to CACR 6 that we defeated last week and the current version.

Speaker O'Brien: That question goes beyond the limits of debate on this motion, Representative. The question before the House.....Does the member yield for an additional question? Rep. Vaillancourt you are recognized for an additional question.

Rep. Vaillancourt: Thank you, Mister Speaker. In checking the previous roll call, I noted that there were 352 people here. According to the last roll call we just had or division, there were 366, so if we did not do this, would it in effect be disenfranchising the people that are here today that couldn't make it then if we don't agree to do this?

Rep. Jasper: I'm not sure I would go that far because we always have different numbers of members here and I wouldn't want to put myself in a situation of saying that every time we had a vote on something when there are more people here we should revisit it, but we have the opportunity here and we have an amendment in the seat pockets so I think it is proper to suspend the rules and deal with this, particularly where the vote was so close the last time.

Speaker O'Brien: The question before the House is the suspension of the rules. This is a division vote. Members will please take their seats and the Chair will recognize Rep. (Gary) Richardson for the purpose of a parliamentary inquiry.

Rep. Gary Richardson: Thank you, Mister Speaker. If I've read the proposed amendment to CACR 6 that is in our seat pockets and if I know that it involves significant new language that we have not considered before and if I know that to fool with this constitutional amendment at this date puts members in a position of having to vote without being fully informed, would I now vote red to oppose the motion to suspend the rules? Thank you.

Speaker O'Brien: This is a division vote. The question is on the motion to suspend rules. The Chair recognizes Rep. Bettencourt for the purpose of a parliamentary inquiry.

Rep. Bettencourt: Mister Speaker, if I know that in order to move forward on CACR 6, it is necessary to suspend the rules and if I know that this legislation is important to the tax-payers of our state and Mister Speaker, if I want to give a new and improved CACR 6 an opportunity to be debated in this Chamber, would I not press the green button to suspend the rules?

Speaker O'Brien: Rep. Jasper requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. Members have taken their seats, but this will now be a roll call vote rather than a division vote. The procedure status is that this vote requires two-thirds present and voting in order for the motion to carry. If you are in favor of suspension of the rules, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. The House will be attentive to the state of the vote. With 258 members having voted in the affirmative and 114 in the negative and 248 being required for the motion to carry, the motion carries. The pending question is on Inexpedient to Legislate on CACR 6. The Chair recognizes Rep. Stepanek to speak in opposition to Inexpedient to Legislate.

Rep. Stepanek: Thank you, Mister Speaker. Members of this honorable House, CACR 6 is one of the most important bills you will vote on this session. I and most of you ran on a platform of limited and responsible government. This bill, more than any other, does this. Remember, by passing this we are giving the people the right to have their voice heard on this most important issue. This will go a long way towards preventing last minute midnight tax and fee increases. It will prevent reckless bonding of operating expenses, forcing our children and grandchildren to pay for it for the next 20 years. The argument has been made that this amendment will make it harder to raise taxes and fees. My answer to that is a resounding yes. Yes, it will make it harder to raise taxes and fees and take more money from our citizens. That should be a harder task on this legislature. The legislature must be held to a higher standard when it comes to raising taxes and fees. People have said it will be harder to borrow money. Again, my answer is a resounding yes. Yes, it should be harder to borrow money that our children and grandchildren will have to pay back. We make it harder for our cities and towns to borrow money. Why should the state be any different? I urge all of you to support this bill and allow the people of New Hampshire to vote on this most important issue. Please vote against the motion to ITL. Thank you.

Speaker O'Brien: The pending question is Inexpedient to Legislate on CACR 6. The Chair recognizes Rep. Almy of Lebanon to speak in favor of ITL.

Rep. Almy: Thank you, Mister Speaker. New Hampshire has been a fiscally prudent, very low tax state that managed to provide the essential services to its citizens and businesses by a combination of lean government and a heavy dependence on volunteers, non-profit agencies and coalitions. It has always been very hard to pass a budget because our revenues grow less than the cost of service and no one wants to raise taxes. This amendment is a solution in search of a problem and it is a very bad solution. There are occasions when taxes have to be created or raised if citizens and businesses are to get the infrastructure they need to survive and prosper. Sometimes older revenue sources peter out and die as our tobacco tax eventually will or they need to be put out of their misery as the old stock and trade tax did. They then need to be replaced if our businesses and citizens are to survive and prosper. Many of us have been through the agony of trying to get a decrepit and overcrowded school building replaced. In all but the wealthiest communities, the 60% bar for passage of a bond thwarts the will of the majority and condemns children to unsafe buildings and substandard educations. Since almost all budgets include some tweaking to taxes or fees to achieve balance, passage of this amendment means that budgets will routinely fail. As I said last time, seven of the last ten budgets would have failed. If we instead try to pass any possible tax measures needed in advance, which was suggested by the sponsor of this bill in committee, the budget processes will routinely extend into the fall and winter of the year and some legislatures may pass more revenues than we need. Bond markets hate this even more than we do. This does not mean it is harder to raise money for capital projects, this means it is more expensive and we will be paying a lot more. Arizona was degraded recently because of its supermajority requirement and last week Nevada was downgraded to one of the lowest state ratings with its supermajority requirement listed as a primary reason. The fifteen states that require supermajorities to increase taxes do not avoid fiscal peril. In fact, six out of those fifteen, but only four out of the remaining thirty five are on the Pew Center's list of the ten states in worse peril. These six are Arizona, California, Florida, Michigan, Nevada and Oregon. Do not destroy our state, vote for ITL.

Speaker O'Brien: Does the committee yield for a question from a Representative? The committee does yield. Rep. DiPentima you may inquire.

Rep. DiPentima: Thank you, Mister Speaker and thank you, Representative for taking my question. My question is, if this amendment were to pass, would it also require a two-thirds vote to downshift or cost-shift any costs to local community property taxes?

Rep. Stepanek: First of all, this requires 60% or supermajority of the members present and voting and it only impacts taxes, fees and bonding.

Speaker O'Brien: Does the member yield to a follow up question? The member does yield.

Rep. DiPentima: So if I understand this correctly, this means that we could still pass legislation that would cost-shift or downshift and increase local property taxes without having a supermajority.

Rep. Stepanek: The legislature would be free to do anything with a regular majority other than taxes, fees and bonding.

Speaker O'Brien: The question before the House is Inexpedient to Legislate. The Chair will declare this to be a division vote and therefore would members take their seats? Rep. Greazzo requests a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members have taken their seats therefore we will proceed. The Chair recognizes Rep. Tucker for a parliamentary inquiry.

Rep. Tucker: Thank you, Mister Speaker. If I know that the House vote of OTP on this CACR came within 5 votes of the necessary 239 votes for passage and if I know that an amendment will be offered which will improve the CACR if the ITL motion is defeated, would I now vote to continue the debate in the fight against higher taxes and spending by pressing the red button? Thank you.

Speaker O'Brien: The question is on the motion of Inexpedient to Legislate on CACR 6. The Chair recognizes Rep. (Gary) Richardson for a parliamentary inquiry.

Rep. Gary Richardson: Thank you, Mister Speaker. If I know that last week, we voted to recommend passage of CACR 12 in which we are asking the voters to allow us to determine the amount of money that the state will spend on education by majority vote and if I know that this CACR would require a three-fifths majority vote to increase taxes and would allow a small minority to determine and control decisions made by the majority and would violate the principles set forth in CACR 12 and if I know that the responsible way to control spending and adopt a responsible budget and to fund education is by majority vote, not by a three-fifths vote, would I now vote green to support the motion of ITL?

Speaker O'Brien: The question is on the motion of Inexpedient to Legislate on CACR 6. This is a roll call vote. If you are in favor of Inexpedient to Legislate, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. With 119 members voting in the affirmative and 251 in the negative, the motion does not carry. The Chair recognizes Rep. Jasper for the purpose of a motion.

Rep. Jasper: Thank you, Mister Speaker. I move that CACR 6 be Ought to Pass and then I would move amendment 1169h.

Speaker O'Brien: The question before the House is on Rep. Jasper's motion of Ought to Pass as Amended and the adoption of amendment 1169h. It's in your seat pockets. The question before the House is the adoption of floor amendment 1169h. The Chair recognizes Rep. Almy to speak in opposition to the adoption of floor amendment 1169h.

Rep. Almy: Thank you, Mister Speaker. I would like a division on this one. This amendment, at a minimum, does nothing to reduce the risk to our bond rating. It may make it worse. Legislatures always treat bonded debt as sacred so if we reach a place where this amendment would have to be activated, we will already be at the most basic essentials of a working government. If a future legislature cannot find 60% of its votes to pass a measure that pays the bonded debt obligations, the money for those obligations, according to the amendment, will come straight out of those basic functions. Most of those functions are of major concern to the bond markets. They are, of course, of greater concern to our citizens whose lives and livelihood would be seriously affected. Both this amendment and the underlying bill lead us, our citizens and our great state down into destruction. Thank you.

Speaker O'Brien: The Chair recognizes Rep. Jasper to speak in favor of the amendment.

Rep. Jasper: Thank you, Mister Speaker. First, I want to walk the House through the changes to the last CACR that we saw. When we last visited this issue, there was the issue of three-fifths vote and there was some disagreement in talking with various people as to whether it was three-fifths of the entire House or three-fifths of those present and voting. This clarifies that it is three-fifths of those present and voting. Another problem that seemed obvious was that we've seen what happened with bonding over the last four years and if we made a supermajority to raise fees and taxes, but did nothing to increase the number of votes for bonding, we'd be in that situation where we could see a lot of unnecessary and unwise bonding so we made the standard the same for bonding. Now, I worked with the State Treasurer on this. We did not go into this blindly. We wanted to make

sure that the state's bond rating was protected so the next section dealing with the payments came from bond counsel who the State Treasurer consulted. The section has been - some of these words exactly - Maine's constitution is somewhat different, but the majority of our wording came from bond counsel from the Maine constitution which makes sure that the bonds will be paid. The State Treasurer's position on this is not that she is in favor of it or against it, but she wanted to make sure that mechanically it worked and that the state was not harmed. Her exact words to me were, "This would be a negative against our credit rating, but it would not be an automatic downgrade of our bonding rate." There are other things that we can do to protect our rate. When you hear that our bond rating is going to be automatically downgraded as other states have been, that is not true. An important part of that is in fact protecting what it takes to bond future obligation by raising that. That actually helps us on the other side of the issue. So that essentially is what it does. There is going to be further debate so I'm not going to, at this particular time, go into my reasons for supporting this. I wanted to give you the run down on what it does and hope that you will adopt the amendment and then there is going to be further debate on the issue before final passage.

Speaker O'Brien: Does the member yield for a question? Rep. Ulery you are recognized for a question.

Rep. Ulery: I thank my colleague from Hudson for taking my question. When you were speaking about downgrading the bonding, but you also spoke with the Treasurer regarding the bonding, I believe some of the conversation was that because, contained in the constitutional amendment is a provision to pay the interest due before anything else, that this offsets the negative that may possibly, maybe, occur from the institution of a supermajority. Is that correct?

Rep. Jasper: To a large degree, yes. The bonding side....Her words to me were a little different the first time from when I spoke to you, from when she called me back yesterday, so I want to be clear on this. The bond rating part of it, because it has the protection, will not affect our credit rating in the first part, in the original three-fifths, may be a slight knock against our credit rating, but not automatically against our bond rating. We can take further actions, such as making sure we have money in the rainy day fund and taking other positive actions that will offset any negative that could occur.

Speaker O'Brien: Will the member yield for an additional question? The member does yield. Rep. (Gary) Richardson, you are recognized for a question.

Rep. Gary Richardson: Thank you, Mister Speaker. Thank you to the Representative from Hudson for taking my question. I believe you are aware that six days ago, Moody's downgraded the state of Nevada's bond rating and in their rating, they cited three reasons and the third was the fact that Nevada had adopted a two-thirds majority of each house of the legislature to raise taxes in 2012 and 2013. I quote "The supermajority requirement to raise taxes presents a hurdle to achieving balance or an ongoing balance going forward." I think you said in your remarks that the Treasurer had said it would be a negative against our credit rating, but not necessarily a downgrade of our bond rating. My question is why would we take this step with no opportunity to explore? This is an incredibly important issue and I know you agree with me. Why would we do this on an amendment with no opportunity for a public hearing and really, all of us, hear from the Treasurer to discuss this?

Rep. Jasper: The only part that is relative to your question that would negatively affect the bond rating is the part of the amendment that was already subject to a full public hearing of this House. The only change to that section is the fact that instead of being unclear as to whether it was three-fifths of the entire membership, we have made it clear that this is three-fifths of those present and voting which of course would be less of a problem with our bond rating than to have that absolute number set at 240 when we are a full house. I would disagree with your analogy and again I would say that there are a lot more important things in the health of the State of New Hampshire than the bond rating. High taxes, high spending lead to a much bigger negative than any possible slight downgrade in our bond rating that might occur if we don't take other positive steps to protect it.

Speaker O'Brien: Does the member yield for an additional question?

Rep. Gary Richardson: Would you believe that I vehemently disagree with your last statement?

Rep. Jasper: I would be shocked if you didn't.

Speaker O'Brien: The question before the House is on adoption of floor amendment 1169h. The Chair declares this to be a division vote. This will be a division vote. Will members please take their seats? Rep. Soltani requests a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Parliamentary status is that this motion requires a majority vote in order to be adopted. The question before the House is adoption of floor amendment 1169h. The Chair recognizes Rep. Weber for a parliamentary inquiry.

Rep. Weber: Thank you, Mister Chairman. Mister Chairman, I beg your pardon, Mister Speaker. Mister Speaker, if I know that many of us have seen the language of this proposed amendment to our constitution for the very first time this morning and if I know as a person very concerned with transparency in government that the wording of this amendment has had no opportunity for public comment of any sort, if I am concerned that this amendment has the potential to destroy our bond rating and cripple our ability to govern, and finally if I believe that this amendment delegates to an unelected official governmental functions which this body and the elected representatives of the people ought to be exercising themselves, would I now press the red button to vote no on the amendment?

Speaker O'Brien: The question before the House is the adoption of floor amendment 1169h to CACR 6. The Chair recognizes Rep. Bettencourt for a parliamentary inquiry.

Rep. Bettencourt: Mister Speaker, if I know that this amendment will clear up the confusion over numbers necessary for approval of any new tax and if I know that CACR 6 will now include bonding as well as taxes and if I know that this amendment came at the suggestion of the bond counsel and the Treasurer of New Hampshire and it has guaranteed that our state bonds will be paid and Mister Speaker.....

Speaker O'Brien: Will the member suspend? The members in division five please come to order. The member may proceed.

Rep. Bettencourt: And Mister Speaker, if I know that if I have a real objection to floor amendments and a strike against transparency then I would move to change the rules to ban floor amendments and that this will have a full public hearing in the Senate, would I now press the green button?

Speaker O'Brien: The question is on the adoption of floor amendment 1169h. If you are in favor of adoption, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. With 265 members having voted in the affirmative, 107 in the negative, the floor amendment is adopted. The question before the House is on CACR 6 on a motion of Ought to Pass as Amended. The Chair recognizes Rep. (Kenneth) Gould from Derry to speak in opposition to Ought to Pass as Amended.

Rep. Kenneth Gould: Mister Speaker, I rise to oppose CACR 6. We're talking about enshrining into our constitution a supermajority requirement to do what we do virtually every year. We regularly need to make tweaks to our revenue system, sometimes small increases, sometimes small decreases. We do this almost every year. We have a standing committee that deals almost exclusively with revenues and it's an active committee. What do we do when horse race revenue evaporates? What do we do when dog racing disappears? We find other revenues. We have a history of doing this often and without this supermajority. We still have about the lowest state taxes in the nation. Why would we restrict future legislatures when we have not had this restriction on us for 200 plus years? There are a handful of states that have such a requirement. We could copy them. California has a wonderful time trying to put together a budget. Should we emulate them? How about Michigan? Nevada has this requirement and Moody's has just lowered their bond rating as you have heard and cited this requirement as part of the reason. They will pay a higher interest rate on their future borrowing. Arizona has sold state buildings, including the capitol, and leased them back from the investors. Don't you think that is a wonderful prospect? Mister Speaker, I believe that 50% plus one is the majority that should rule in this large, diversified legislature. This amendment to our constitution would give 41% more power than 59%. We would be afraid to lower taxes when revenues are strong just because we would be afraid of the high hurdle we would face if we needed to make a correction of subsequent years. I could go on and talk about how the business profits tax replaced the stock and trade and machinery tax forty years ago. This was done with the support of the business community and has been good for the business environment. Car dealers don't move their inventory to a lower tax town on March 31 anymore. Most everyone was happy with this change, but it did not get a 60% vote. I don't pretend to know what revenues will shrink to nothing like the horses and dogs, perhaps the tobacco tax. What will we be facing with revenue challenges 10, 20, 30 years from now? Please vote no.

Speaker O'Brien: Will the member yield for a question? The member yields. Rep. Tamburello, you are recognized.

Rep. Tamburello: Thank you, Mister Speaker and thank you, Representative, for taking my question. Just a simple quick question. Do you believe it would be right to put this amendment to the voters and let them decide whether they want to raise the threshold to prevent us from raising taxes?

Rep. Kenneth Gould: I think the voters would love to see a question like this, but I think those of us know the downside more than the voters do.

Speaker O'Brien: The question before the House is the motion of Ought to Pass as Amended. The Chair recognizes Rep. Vaillancourt to speak in favor of the motion.

Rep. Vaillancourt: Thank you, Mister Speaker. Last night - I should start by saying as I said when we debated this before, that I have never voted for a supermajority before, but I'm going to vote for it today because we have to start thinking out of the box and plus, this isn't a two-thirds, it's only 60%. So last night I went to the dictionary to look up a very simple word. The word was theft and the dictionary said, "The act of stealing." Isn't that great, I thought. It is sending me to another word I have to look up so I looked up the word steal. To steal is to take without consent. If you accept that definition of stealing, then you must accept that all taxation is stealing of one kind or another. Willingly, willingly, willingly, I suppose you if you say yes, but the society pays a price to function and that is taxation. Good. If you accept the fact that taxation is theft, then it should be a little more difficult to steal, to take from people. All this amendment does is allow voters to decide whether we want to raise the threshold, not two-thirds, but to 60%. It is certainly within the purview of putting this in the constitution. As we've seen, the hurdles we've jumped through in the last half hour, we jumped back and forth from different majorities. We had a 60% needed for this or a 239, we had a two-thirds needed moments ago. I suggest that a nimble person in charge of parliamentary procedure can easily guide us through the differences between 50 and 60%. I want to just comment, as I did the other day, about the previous member's comment that seven out of the last ten budgets would have failed if this had been in effect. I'm just going to reiterate what I said then, that is not necessarily true because if this had been in effect, those budgets would not have come forward the way they came forward. I want to just comment on the very last speaker who was asking about if horse racing goes away and the revenues dry up. That is not a terribly good example because there are very few revenues there, but what would we do with our own houses if, for example, we had to pay more for gasoline? We would probably find a way to live within our household means. The first thing we'd do would not be to run out and mortgage the house. Maybe we would go out to lunch once a week less. Maybe we would not buy an extra sweater or new jacket. No laughter, good. We would control our spending. This amendment is a way to force us, as elected officials, to control our spending. Who could ask for anything more? Please vote green.

Speaker O'Brien: Will the member yield for a question? The member does yield. Rep. Itse.

Rep. Itse: Thank you, Mister Speaker. Thank you to the member from Manchester for taking my question. Is it not true that this body, in concurrence with the Senate, cannot amend the constitution, but it is only the people that can place this restraint on future legislatures if they choose to do so.?

Rep. Vaillancourt: We are the first step in a process that ends with the people. A constitutional amendment has to have 60% of the overall body, 239 here. It will have to get 60% of the Senators and then it will go to the people and when I think of a constitutional amendment I always use as the first basis, is this something that would fittingly be in the constitution if the people chose to put it there. I believe if we sent it to the people and they decide to put it in the constitution, it certainly, historically would have every right to be there. We have such supermajorities in the constitution, but you are right, the people would ultimately decide.

Speaker O'Brien: Does the member yield for an additional question? The member does yield. Rep. Robbins you are recognized for a question.

Rep. Robbins: Thank you, Mister Speaker. I apologize for my over-eagerness. Thank you, Representative, for taking my question. If a majority of this body chose to review taxes and fees and put together a package of taxes and fees that would in fact lower overall taxes and fees, however, if one item in this package raised a specific tax or fee, would the entire package be held hostage to a 60% present and voting? I'm not sure whether to ask this of you or one of the sponsors. Thank you.

Rep. Vaillancourt: First of all, I reject the term held hostage, but the amendment speaks for itself. You may not, if this passes, raise the tax or fee unless you get the 60%. I think that pretty much speaks for itself.

Speaker O'Brien: The question before the House is the motion of Ought to Pass as Amended on CACR 6. The Chair recognizes Rep. (Gary) Richardson of Hopkinton for the purpose of speaking against the motion.

Rep. Gary Richardson: Thank you, Mister Speaker. There are times when I would truly love to take off my Democratic t-shirt and have you take off your Republican t-shirts and talk about an issue and this is certainly one of them. Last week, we passed a CACR 12 in which we asked the

people of New Hampshire to give us the full discretion to determine the amount of state funding for education. This week we are considering a CACR in which we are asking the people to limit the amount that we can raise. It seems to me that these two propositions are logically inconsistent. If we can be trusted to be the exclusive authority to determine the amount of education funding, we can be trusted to determine how much money we should raise in taxes. I think there are at least two good reasons to vote against this CACR. First of all, is local control. We pay a great deal of lip service to local control in this Hall, but when it comes down to actual votes, we aren't always consistent with that. A very substantial part of our state budget goes back to cities and towns and if we impose on ourselves special limits and requirements in terms of the amount of money that we can raise and appropriate, ironically one of the parties that is going to be hurt are cities and towns. Second of all, as you recall from the debate on CACR 12, I support targeting for education. I don't support CACR 12 because of some of the wording, but I do support what I call pure targeting which would allow us to spend state money and donate state money to cities or school districts that need it the most. I would say this to you regardless to what party you are in, if you want to kill CACR 12, if you want to kill targeting, then you will pass CACR 6. If you put a constitutional amendment on the same ballot with targeting that says that the legislature needs to have a supermajority to raise money, you are going to kill targeting. CACR 6 is a formula to allow a minority to frustrate the will of the majority. If we can be trusted to fund education, we can be trusted to do so by majority vote. If you want to pass CACR 12 or some amendment to allow targeting, then you will vote against CACR 6. Thank you.

Speaker O'Brien: Does the member yield for a question? The member does yield. Rep. Itse you are recognized for a question.

Rep. Itse: Thank you, Mister Speaker. Thank you to the Representative for taking my question. Constitutions are all about limiting the power of government and if the people believe that we have been overly generous with ourselves in taking their money, don't you believe they have a just power to limit our ability to take their money?

Rep. Gary Richardson: Well, I would answer your question with a question. Why don't we make it three-quarters then or two-thirds? I think the people sent us here. We are the most representative body in the world. We have a constituency of about 3400 people. If the people don't like what we are doing, then elections matter, don't they? We don't need a constitutional amendment. I think our constituents sent us here to act responsibly. They know that we know more about the budget than they do. They expect us to act in their interest and we don't need a constitutional amendment to be responsive to the people.

Speaker O'Brien: Will the member yield for an additional question? The member does yield. Rep. Brunelle you are recognized for a question.

Rep. Brunelle: Thank you, Mister Speaker and thank you for taking my question. You spoke about cities and towns. If revenues were falling even more below what the projections were and we couldn't raise any additional revenue and aid to cities and towns had to be touched, can you tell me what the impact would be on local property tax payers and services such as fire, police, etc.?

Rep. Gary Richardson: It's all downshifting folks. The money has to come from somewhere. If it doesn't come from the state, it comes from the local property tax.

Speaker O'Brien: Does the member yield for an additional question? Rep. Baldasaro you are recognized for a question.

Rep. Baldasaro: Thank you Mister Speaker and thank you, Representative for taking my question. You made a comment earlier concerning that the people, whether they would not want us to do this here. Would you agree that the people made a decision? Look at what's going on in this House, for us to protect the interest of their pocketbooks with the 290 something Representatives that they sent here?

Rep. Gary Richardson: Absolutely and I don't think this is just 293 trying to protect pocketbooks, I think there are 400 people trying to protect pocketbooks.

Speaker O'Brien: The question before the House is the motion of Ought to Pass as Amended on CACR 6. The Chair recognizes Rep. Jasper to speak in support of the motion.

Rep. Jasper: Thank you, Mister Speaker. Mister Speaker, as I look back over the four years and the nearly or over, I lost count, 100 taxes and fees that were increased, I know that that did damage to this state. We've been in a recession and it was about spending. We spent 24% more than we did prior and that could not have happened without those increases in fees and taxes and I heard the message from the voters of this state. We never saw a change in this House like we saw and

that was related to what was happening. I want to make sure that we are never allowed to do that damage again. One of the things that was said made me think back to why we are at a \$100 a year. Because the legislature was getting a per diem in the 1880's of about \$3 a day and they were claiming they were even meeting on Sundays and that greatly angered the people of this state and they rose up and said alright we are going to give you 50% of the average salary in the state of New Hampshire. Unfortunately they were not thinking to the future with that one, but they recognized that the legislature was not acting responsibly and the two previous legislatures did not act responsibly. We tell the people in our towns, you can't bond unless you get 60% if you are on SB 2, but let me ask you something. Which lasts longer, a tax or a bond? I've been here a long time and I've seen a lot of bonds paid off. I've seen very few taxes eliminated or lowered. It's time we said that we are going to make sure that if we are going to pass a tax or a fee, we have a good enough argument and a good enough reason to do it that we can convince 60% of our colleagues to do it. I don't think that's irresponsible. I don't think that's unreasonable and I think that it's time to let the voters decide if they believe that as well. Thank you, Mister Speaker.

Speaker O'Brien: Does the member yield for a question? The member yields. Rep. Baroody you are recognized for a question.

Rep. Baroody: Thank you, Mister Speaker. Thanks for taking my question. Out of the increase spending over the last few years, that approximately \$3 billion that we got as stimulus money, was that counted into that?

Rep. Jasper: It's counted in the total state spending because of the fact that there was no planning to deal with the end of that. We are, in part, in the situation today and I would further just like to say that I would like to compliment people on the other side of the House. I see they are taking responsibility today. They have some blue buttons on and I appreciate that. Thank you.

Speaker O'Brien: Will the speaker yield for an additional question? Representative Itse.

Rep. Itse: Thank you, Mister Speaker. Thank you to the Representative from Hudson for taking my question. The specter of downshifting costs on to the town has been raised because of this amendment, but I know that this current legislature has pledged not to downshift and should a future legislature make that mistake, would not the people have the power to rectify it?

Rep. Jasper: They certainly would and they certainly will.

Speaker O'Brien: The question before the House is the motion of Ought to Pass as Amended. Rep. Tucker requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. This is a roll call vote. Will members please take their seats? Members will please take their seats. This is a roll call vote on the motion of Ought to Pass as Amended on CACR 6. The Chair recognizes Rep. Weber for a parliamentary inquiry.

Rep. Weber: Thank you, Mister Speaker. Mister Speaker, if I know that passage by this House is one important step in a constitutionally mandated procedure and if I know that this House has still not had any opportunity for public input on this language; if I believe that this House should not take action based solely on the say so of bond counsel and the Treasurer and if I know that this House has a proud tradition of not delegating its decision making processes to the Senate, would I now vote no on the pending motion and press the red button?

Speaker O'Brien: The pending motion is Ought to Pass as Amended on CACR 6. The Chair recognizes Rep. Jasper for the purpose of a parliamentary inquiry.

Rep. Jasper: Thank you, Mister Speaker. Mister Speaker, if I know that Nevada's bond rating was downgraded for a variety of reasons, including the loss of gambling revenues and including the fact that they don't have a diversified tax base and that they have been recommended to diversify their tax base and those are not issues which this state faces; if I know, Mister Speaker, that we have nearly dealt with the issue of having a desire too often to tax too much and spend too much, would I now give the voters of our state who I have full confidence in because of course they elected me and you, to support this CACR by pushing the green button?

Speaker O'Brien: The question before the House is on the motion of Ought to Pass as Amended on CACR 6. The procedural status of this motion is that it requires 239 votes to carry. If you are in favor of Ought to Pass as Amended, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 256 members having voted in the affirmative, 117 in the negative, the motion carries. The Chair recognizes Rep. Bettencourt.

Rep. Bettencourt: Mister Speaker, having voted on the prevailing side, I would move that CACR 6 be reconsidered and encourage the membership to vote no.

Speaker O'Brien: The motion before the body is reconsideration on the vote on CACR 6. Are you ready for the vote? All those in favor.....A division vote has been requested. This will be a division vote. Members please take their seats. The parliamentary status is on a motion for reconsideration. On a CACR vote, it takes a majority to ask for reconsideration. This is a division vote. If you are in favor of reconsideration, you'll vote the green button. If you are opposed, you'll vote the red button. Voting stations will be open for 30 seconds. The House will be attentive to the state of the vote. 104 members having voted in the affirmative, 269 in the negative, the motion does not carry and reconsideration fails. I have announcements. For what purpose does the member rise?

Rep. Tamburello: I'd like to make a motion Mister Speaker. I move that the entire debate on CACR 6 be entered into the Permanent Record from the time that it was taken off the table.

Speaker O'Brien: The motion is to print the debate on CACR 6 into the Permanent Journal. Are you ready for the motion? All those in favor, say Aye. Those opposed, Nay. The Ayes have it and the debate is entered into the Permanent Journal.

The House recessed at 12:20 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 1:25 p.m.

REGULAR CALENDAR (CONT'D)

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John A. Burt for the Majority of Municipal and County Government: The purpose of SB 133 is to reinstate the property tax exemption on telephone polls owned by telecommunication companies. The majority of the committee believes that it is not in the best interest of businesses and consumers of New Hampshire to assess property taxes on communications poles and conduits. Local governments have never before had the right to assess property taxes on telecom poles and conduits. Such a tax would result in new costs to the communications companies that would undoubtedly be passed on to businesses and residents who rely on landline phones, especially low income households and the elderly. As more consumers move to wireless and other technology, the burden of this tax will be on the shoulders of fewer and fewer landline consumers. While we continue to encourage broadband expansion in our rural areas, we must remember that investment by these companies in their infrastructure will not continue if every pole they erect becomes a liability. The cost of assessing the communications poles and conduits could cost several thousands of dollars in each community. In short, a tax is a tax. If there is one message that the voters sent us in November, it is that they do not want us looking for ways to expand the areas the government can levy taxes on businesses and individuals. Many of us were elected on a promise of no new taxes, and SB 133 keeps that promise. Vote 9-7.

Rep. Kris E. Roberts for the Minority of Municipal and County Government: The sponsors of SB 133 stated that the failure to pass SB 133 granting tax-exempt status to underground conduit systems and telephone poles would result in a new tax. In many ways this is a play on words. The general court can't grant a property tax exemption, abatement, or credit unless there was a tax currently in place. So failure to pass SB 133 would not result in a new tax. SB 133 in fact reinstates an exemption that over 60% of this body voted to eliminate. SB 133 is government getting involved in the free-market system by requiring the local property owner to support major corporations such as Comcast, Time Warner, Metrocast, FairPoint and numerous others through their tax dollars. Despite what many people stated, for many communities this wouldn't result in increased taxes, resulting in larger budgets. It would mean that in most communities everyone would be treated fairly and would be required to pay equal taxes based on assessed value.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Weed requested a quorum call; Speaker declared a quorum present.

Reps. Kris Roberts, Webb and Vaillancourt spoke against.

Reps. Burt and Sterling spoke in favor.

Rep. James Garrity spoke in favor and yielded to questions.

On a division vote, 186 members having voted in the affirmative and 180 in the negative, the majority committee report was adopted and ordered to third reading.
Rep. DeJong declared a conflict of interest and did not participate.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Sterling moved that the House reconsider its action whereby, on a division vote of 186-180, it adopted the majority committee report of Ought to Pass on **SB 133-FN**, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits.

Rep. Sterling spoke against.

On a division vote, 193 members having voted in the affirmative and 174 in the negative, the motion was adopted.

RECONSIDERATION OF SB 133-FN

The question now being adoption of the majority committee report of Ought to Pass.

LAID ON THE TABLE

Rep. Jasper moved that on **SB 133-FN**, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits, be laid on the table.

On a division vote, 243 members having voted in the affirmative and 124 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 25-FN-A, making appropriations for capital improvements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene G. Chandler for Public Works and Highways: The Capital Budget addresses the non-highway capital improvements, needs, repairs and investments in state-owned buildings, facilities, parks, regional career technical centers, post-secondary public institutions, etc. As capital expenditures, these costs are bonded typically over 20 years, and 5 years for most equipment and information technology. Critical and deferred maintenance makes up a large part of this budget. The capital budget, as unanimously recommended by the committee to the House, has reduced the general fund portion as proposed by the governor by almost 9 million dollars (-9.1%) to \$89.8 million, and additionally leverages up to \$78 million in federal money. Importantly, this budget is leaner in terms of both general fund and highway fund obligations than the past four biennial capital budgets, and is well below the State Treasurer's recommended maximum. The governor's proposal included the bonding of kindergarten aid. The committee in consultation with the chairman of the Finance Committee agreed that the bonding was not appropriate for the capital budget and removed it. Administrative Services received funding for a number of projects including parking lot repair at the Rockingham County Courthouse, site and design for a Milford courthouse, a number of energy efficiency projects and roof replacements repairs. Corrections will do some much needed safety upgrades and roof repairs. As in the last several biennia, it is recommended that the House provide funding for 75% of the cost of renovating and upgrading equipment at two regional career and technical centers. These two, located in Laconia and Derry, serve 27 communities with 27 career and technical education programs. Additionally, it is recommended that \$100,000 be provided for the pre-engineering program teaching basic skills and knowledge in pre-engineering concepts at such locations as Berlin, Jaffrey, Durham, Somersworth, Manchester, Merrimack, Nashua, etc. Environmental Services will receive federal funds to continue a number of clean water and drinking water programs throughout the state and also receives federal funding for a Great Bay Oil Spill protection strategy. Additionally, money is appropriated for dam repair and replacement. Since the avulsion of the Suncook River in Epsom in 2005, the multiple flooding, bank erosion and sediment deposits have had a devastating effect on the residents living along and near the river in the towns of Epsom, Pembroke and Allentown and resulted in their homes being virtually unmarketable. After extensive testimony the committee concurs with the Department of Safety, the Department of Environmental Services, the town of Pembroke and the town of Allentown that the only solution is the relocation of the residents. So far, 22 homes have been purchased. This \$2 million dollar item will attract up to \$6 million dollars in federal aid to allow for the purchase of at least

34 homes at their "pre-avulsion" value, the associated relocation costs and the demolition of the existing homes. Additionally, another \$1,035,000 is budgeted to address ongoing river erosion and sedimentation and will be used to protect Rte. 4 and the Black Hall Road Bridge, provide a geomorphic assessment of the Suncook River and delineate the fluvial erosion hazard zones and do what is necessary to protect the Epsom water supply. HHS is slated to receive funding for a number of repairs, renovations, roof replacements, handicapped access, etc. In order to bring the state's data center and network infrastructure up to date and create a Business One Stop Center, the committee allocated a total of \$9.2 million to the Department of Information Technology. The committee scrutinized their proposals and cut \$3 million from the amount requested. The money will allow for the deployment of Voice Over Internet Protocol (VOIP is the state's telephone system), ensure that critical systems can continue to be backed up as data sizes increase, replace the professional licensing system, and create the Business One Stop Center which will make it easier for new and existing businesses to interact with the state and help NH compete for businesses with other states. The capital appropriations for the Judicial Branch are key to implementing the reorganization of the court system as previously approved by the House. For example, there is an appropriation for the systems necessary for video arraignment, which will save the counties and municipalities money in prisoner transport, or officer appearances at arraignments. The appropriation for the Circuit Court Call Center will result in personnel savings by consolidating telephone inquiries in one place. The court anticipates that the break even point on this item is less than two years. The largest item is the E-Court Initiative, which will bring the court system into the 21st century. The current request is for the first two years of a four year program, with the anticipation that the remaining funds will be made available in the next Capital Budget. The only request from the NH Veterans Home was for the implementation of electronic medical records. The committee was able to reduce the original request, while still leveraging the same amount of federal funding which will be sufficient to complete this project. Two capital budget items for the Community College System of NH include a Manchester Community College Student Center (funded by student fees – no state funds) and \$18.8 million in state funded construction and critical capital maintenance, design/safety and security equipment for eight community college locations. This capital investment is needed to accommodate our rapidly growing student population in health sciences, information technology, computer sciences, welding and auto collision/repair programs in Manchester, Nashua, NHTI (Concord), Lakes Region (Laconia), River Valley (Keene and Claremont), Great Bay (Portsmouth) and White Mountain Community Colleges and their off-site facilities. Providing skilled workers for our business community will promote job growth and company expansion while improving the New Hampshire economy. In an effort to maximize revenues to the state and provide visitor services, this Capital Budget includes funding for two new liquor stores on Rte. 93 in Hooksett and a roof replacement for the Portsmouth store. The Department of Resources and Economic Development is slated for \$1.5 million for state-wide state park critical repairs and renovations. There are also funds for the North Hampton State Beach septic-system and the Hampton Beach seawall. Also, the committee approved a \$500,000 request for increased snow making at Cannon Mountain that will be paid for by the Cannon Mountain capital improvement funds which is the money received from the Mt. Sunapee lease. The committee is proposing to continue the states 2.5% match for federal aviation projects which are used to help many airports throughout the state. The Hampton and Seabrook harbors will see dredging work done which will then allow the Army Corps of Engineers to take over maintenance of these areas. Additionally, work will be done on the Hampton Harbor marine Facility. Both these projects will be self funded and do not use state dollars. Every Capital Budget contains extensions of previous capital appropriations. In large part this is due to the process. Typically the Capital Budget becomes effective in July of odd numbered years. By the time the design, bidding and approval of contracts by Governor and Council and the start of actual construction it is seldom that projects are completed within the biennium. Additionally, some projects are funded either in part or fully with federal funds in order to proceed. These types of delays require that we continue prior appropriations into succeeding bienniums. The committee diligently scrubbed the proposed extensions and eliminated several. The committee also tightened up the purpose of some of the requests. For example, in 2003 the Department of Safety (DOS) received a capital appropriation to "finish the 1st floor of Troop D barrack." Since that time the DOS has looked at using this space for various purposes. This year the committee specified what the renovation would be for. No new appropriations are contained in any of the lapse extensions. Vote 16-0.

Amendment (1176h)

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General	
A. Statewide Readiness Center Life Safety Upgrades	\$ 500,000
Less Federal Funds	<u>(250,000)</u>
Net state appropriation subparagraph A	250,000
B. Statewide Readiness Center Restoration and Modernization	2,500,000
Less Federal Funds	<u>(1,250,000)</u>
Net state appropriation subparagraph B	<u>1,250,000</u>
Total state appropriation paragraph I	\$1,500,000
II. Department of Administrative Services	
A. Court Facilities	
1. Rockingham Cty. Courthouse-Reseal Parking Lot/Drainage Repair	\$ 300,000
2. Milford-Site and Plan Design – Court Facilities	<u>50,000</u>
Total state appropriation subparagraph A	\$350,000
B. Facilities and Asset Management	
1. Gov. Hugh Gallen SOP-Main Bldg FACP Replacement	\$355,000
2. Lakes Region Facility Campus Site Environmental Survey II	300,000
3. Driveway/Parking and Walkway Paving Phase 2	575,000
4. Main Building Kitchen Roof Repair	500,000
5. Lakes Region Facility Campus Roof Repair-Multiple Bldgs.	300,000
6. Gov. Hugh Gallen SOP-Main Bldg-ADA Restrooms	425,000
7. Gov. Hugh Gallen SOP-Upgrade Electric - Philbrook Center	<u>3,575,000</u>
Total state appropriation subparagraph B	\$6,030,000
C. Financial Data Management	
1. Critical IT Infrastructure	\$1,500,000
2. Enterprise Resource Planning Phase 2, general funds	<u>3,648,998</u>
Total state appropriation subparagraph C	\$5,148,998
D. General Services	
1. All State Owned Facilities-Emergency Repairs	\$1,000,000
2. All State Owned Facilities- Energy Improvements	500,000
3. Londergan Hall-New Roof	161,000
4. State House/LOB-Tunnel Elevettes	91,000
5. Health and Human Services-Window Repairs	730,000
6. State House Annex-Window Repairs	<u>355,000</u>
Total state appropriation subparagraph D	<u>\$2,837,000</u>
Total state appropriation paragraph II	\$14,365,998
III. Department of Corrections	
A. Replace Door Operating System in SHU	\$1,300,000
B. Replace Steam Lines and Install Steam Injector Pumps	250,000
C. Repair Bathroom Floors-Hancock Building	245,000
D. Replace Roofs-Gym, Auto Shop, Outside Canteen and Whrse.	<u>1,180,000</u>
Total state appropriation paragraph III	\$2,975,000
IV. Department of Education	
A. Pre-Engineering Technology Career Pathway	\$100,000
B. Renovation of CTE Center – Pinkerton	7,875,000
C. Renovation of CTE Center – Laconia	<u>7,125,000</u>
Total state appropriation paragraph IV	\$15,100,000
V. Department of Employment Security	
A. Renovation of Tobey Building	\$22,500,000
Less Federal Funds	(22,500,000)
Net state appropriation subparagraph A	<u>0</u>
Total state appropriation paragraph V	0

VI. Department of Environmental Services

A. Clean Water State Revolving Fund Loan Program	\$16,225,952
Less Other Funds*	<u>(16,225,952)</u>
Net state appropriation subparagraph A	0
B. Drinking Water State Revolving Fund State Match	6,420,220
Less Other Funds*	<u>(6,420,220)</u>
Net state appropriation subparagraph B	0
C. Dam Repairs and Reconstruction**	3,300,000
D. Great Bay Oil Spill Protection Strategy	545,000
Less Other Funds*	<u>(545,000)</u>
Net state appropriation subparagraph D	0
E. WRBP Infrastructure Capital Improvements	3,950,000
Less Other Funds*	<u>(3,950,000)</u>
Net state appropriation subparagraph E	0
F. Suncook River	
1. Infrastructure Protection Project	1,035,000
2. Property Acquisition, Fluvial Erosion Hazard Zone***	<u>2,000,000</u>
Total state appropriation subparagraph F	\$3,035,000
Total state appropriation paragraph VI	\$6,335,000

*To provide funds for the appropriations made in subparagraphs VI, A, B, D, and E the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$27,141,172 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

(a) Payments of principal and interest on the bonds and notes pursuant to subparagraph VI, A and B shall be made from the state water pollution control and drinking water revolving loan funds established in RSA 486:14.

(b) Payments of principal and interest on the bonds and notes pursuant to subparagraph VI, D shall be made from the oil pollution control fund established in RSA 146-A:11-a.

(c) Payments of principal and interest on the bonds issued under subparagraph VI, E shall be made from the special fund established in RSA 485-A:50, VI.

**The department of environmental services shall report quarterly to the capital budget overview committee relative to the status of dam repairs and reconstruction projects funded pursuant to subparagraph VI, C, and, in addition, such reporting shall include the status of any dam repairs, removal and reconstruction projects funded pursuant to 2007, 264:1, VII, F, as extended by 2009, 145:19, 43 and as extended by this act.

***The state funds authorized in subparagraph VI, F for Suncook River property acquisition fluvial erosion hazard zone may be used by the department to match federal funds, including but not limited to, grants from the Federal Emergency Management Agency (FEMA).

VII. Department of Health and Human Services

A. Fire Protection Sprinklers	\$1,125,000
B. Administration Building Fire Safety/ADA Compliance	385,000
C. Nurse Call System	265,000
D. APS Repairs/Renovations-Roof, Windows and Curtain Wall	4,050,000
E. New Roof-Boiler House Building	103,000
F. New Roof-Campus Edge Building	110,000
G. Incremental Renewal of New HEIGHTS	7,500,000
Less Federal Funds	<u>(3,196,500)</u>
Net state appropriation subparagraph G	4,303,500
H. Electronic Health Record	390,212
I. Regional Assessments Database II (RAD II)	1,000,000
Less Federal Funds	<u>(400,000)</u>
Net state appropriation subparagraph I	600,000
J. Administrative Appeals Unit-Video Conferencing	268,800
Less Federal Funds	<u>(107,520)</u>
Net state appropriation subparagraph J	161,280
K. Warehousing Infrastructure/Inventory Management Proj.	2,000,000
Less Federal Funds	<u>(1,900,000)</u>
Net state appropriation subparagraph K	100,000

L. Replatform Option Application	722,200
Less Federal Funds	<u>(361,100)</u>
Net state appropriation subparagraph L	361,100
M. Handicap Access and Elevator (ADA) Administration Bldg	175,000
N. DPHS Radiochemistry Laboratory Improvements	50,000
O. Brown Building Window Replacement	390,000
P. Howard Recreation Building Renovations – Roof & Brickwork	480,000
Q. Transformation Initiative-ACCESS Front Door Release 2	15,000,000
Less Federal Funds	<u>(13,500,000)</u>
Net state appropriation subparagraph Q	<u>1,500,000</u>
Total state appropriation paragraph VII	\$14,549,092
VIII. Department of Information Technology	
A. Data Center Upgrade	\$1,606,500
B. Network Operations Infrastructure Upgrade and VOIP	4,851,953
C. Business One Stop Center	2,081,984
D. E-Licensing Maintenance	<u>750,000</u>
Total state appropriation paragraph VIII	\$9,290,437
IX. Judicial Branch	
A. Prisoner Video Conference	\$541,085
B. Call Center	97,500
C. E-Court Initiative	<u>1,951,000</u>
Total state appropriation paragraph IX	\$2,589,585
X. Liquor Commission	
A. Hooksett North and South Store Additions	\$8,400,000
Less Other Funds*	<u>(8,400,000)</u>
Net state appropriation subparagraph A	0
B. Portsmouth Store 38 Roof Replacement	115,000
Less Other Funds*	<u>(115,000)</u>
Net state appropriation subparagraph B	<u>0</u>
Total state appropriation paragraph X	0

*To provide funds for the appropriations made in subparagraph X, A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$8,515,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the liquor commission fund established in RSA 176:16.

XI. McAuliffe-Shepard Discovery Center	
A. Original Planetarium – Replace Existing Roofing	<u>\$124,000</u>
Total state appropriation paragraph XI	\$124,000
XII. Department of Resources and Economic Development	
A. Fire Tower Maintenance	\$170,000
B. State Park Repairs	1,500,000
C. Mt. Washington State Park-Sherman Adams Bldg. Concrete Repair	180,000
D. North Hampton State Beach Redevelopment	450,000
E. Hampton Beach North Seawall Repair	500,000
F. Cannon Upgrades/Snowmaking	500,000
Less Other Funds*	<u>(500,000)</u>
Net state appropriation subparagraph F	<u>0</u>
Total state appropriation paragraph XII	\$2,800,000

*To provide funds for the appropriations made in subparagraph XII, F, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Cannon Mountain capital improvement fund established in RSA 12-A:29-c.

XIII. Department of Safety	
A. E-911 Next Generation	\$3,702,000
Less Other Funds*	<u>(3,702,000)</u>
Net state appropriation subparagraph A	<u>0</u>
Total state appropriation paragraph XIII	0

*To provide funds for the appropriations made in subparagraph XIII, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,702,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the enhanced 911 system fund established in RSA 106-H:9.

XIV. Department of Transportation

A. 2.5 percent Match for Federal Aviation Administration Projects	\$28,816,866
Less Federal Funds	<u>(28,077,972)</u>
Net state appropriation subparagraph A	738,894
B. Transit Match: Bus Replacement	<u>306,600</u>
Total state appropriation paragraph XIV	\$1,045,494

XV. Veterans Home

A. Electronic Medical Records	\$1,093,000
Less Federal Funds	<u>(743,000)</u>
Net state appropriation subparagraph XV	\$350,000

XVI. Community College System of New Hampshire

A. Manchester Community College Student Center	\$6,000,000
Less Other Funds*	<u>(6,000,000)</u>
Net state appropriation subparagraph A	0
B. Career and Technical Building Projects	<u>18,815,000</u>
Total state appropriation paragraph XVI	<u>\$18,815,000</u>

*To provide funds for the appropriations made in subparagraph XVI, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$6,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from student fees.

XVII. Fish and Game Department

A. Jones Pond Dam Repair/Reconstruction	\$450,000
Less Other Funds*	<u>(450,000)</u>
Total state appropriation paragraph XVII	\$0

*To provide funds for the appropriations made in subparagraph XVII, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$450,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fisheries habitat management account established in RSA 214:1-g.

XVIII. Pease Development Authority, Division of Ports and Harbors

A. Hampton and Seabrook Harbors Dredging	\$1,379,310
Less Other Funds*	<u>(1,379,310)</u>
Net state appropriation subparagraph A	\$0
B. Hampton Harbor Marine Facility	\$1,500,000
Less Other Funds*	<u>(1,500,000)</u>
Net state appropriation subparagraph B	\$0
Total state appropriation paragraph XVIII	\$0

*To provide funds for the appropriations made in subparagraphs XVIII, A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,879,310 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42.

Total state appropriation section 1 \$89,839,606

2 Capital Appropriation; Highway Funds; Department of Administrative Services, Department of Safety, and Department of Transportation. The sums hereinafter detailed are appropriated for the projects specified:

I. Department of Administrative Services

A. Enterprise Resource Planning Phase 2 Highway Funds	\$398,187
Total state appropriation paragraph I	\$398,187

II. Department of Safety

A. Standby Generator Replacement Hayes Bldg (33 Hazen Dr.)	\$775,000
Total state appropriation paragraph II	\$775,000

III. Department of Transportation

A. Underground Fuel Tank Replacement-Statewide	\$2,000,000
B. Statewide Radio Communication Replacement	1,240,000
C. Statewide Salt Sheds	1,100,000
D. New Patrol Shed and Salt Storage PS514 Salem	3,330,000
E. TMC Equipment Room Upgrade to Data Center	<u>580,000</u>
Total state appropriation paragraph III	<u>\$8,250,000</u>
Total state appropriation section 2	\$9,423,187

3 Expenditures; General. The appropriation made for the purposes mentioned in sections 1 and 2 of this act and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 21-I and RSA 228.

4 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 2 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of the department of transportation or the commissioner of administrative services, as appropriate, with the approval of governor and council.

5 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$148,450,275 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds shall be as follows: general fund \$89,839,606, highway funds \$9,423,187, and other funds \$49,187,482.

6 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in section 1 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in section 2 shall be made from the highway fund.

7 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 2 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 5 of this act shall be reduced by the same amount.

8 Transfers. The individual project appropriations provided in sections 1 and 2 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by Governor and Council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

9 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1 and 2 of this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 5 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

10 Bureau of Public Works Design and Construction Inspection Services; Davis-Bacon Act Compliance. The appropriations for those projects which are managed by the bureau of public works design and construction, department of administrative services, may be expended to fund temporary personnel for the purpose of providing construction inspection services and Davis-Bacon Act Compliance services for projects utilizing federal funds, for those projects included in this act

11 Reports Required; Status of Projects; Department of Corrections.

I. The department of corrections shall report to the capital budget overview committee, in writing, within 60 days of the effective date of this section relative to the status of projects pursuant to the appropriations made to the department of corrections, all of which are extended by this act, in 2009, 145:1, IV, D, for admin. east wing-upgrade electric wiring; 2005, 259:1, IV, A, as extended by 2007, 264:29, XXVII, and as extended by 2009, 145:19, 22, for electronic security upgrades-men's prison; 2007, 264:1, V, A, as extended by 2009, 145:19, 23, for electronic security upgrades-men's prison; and 2007, 264:1, V, G, as extended by 2009, 145:19, 25, for residential treatment unit, phase 1-Concord.

II. The department of corrections shall submit a plan for the project funded in 2009, 145:1, IV, A, for women's prison and transitional housing site/design, as extended by this act, to the capital budget overview committee for approval, and shall provide an update on the status of said project to the committee, within 60 days of the effective date of this section relative to this appropriation.

12 Reporting Required; State Park Projects; Department of Resources and Economic Development. The department of resources and economic development shall report quarterly, in writing, to the capital budget overview committee, relative to all recently completed, current, and planned state park repairs and deferred maintenance projects.

13 Community College System; Plan and Updates; Critical Maintenance. The community college system of New Hampshire shall provide a plan and quarterly updates to the capital budget overview committee relative to critical maintenance funded pursuant to 2009, 145:1, III, A.

14 Project Appropriation Transferred; Department of Administrative Services. The appropriation made to the department of corrections in 2009, 145:1, IV, E for stormwater/sewer system-EPA order #05-13 project, as extended by this act, is hereby transferred to the department of administrative services. The department of administrative services shall have authority to expend funds from the appropriation and shall assume the responsibility for the project funded by said appropriation.

15 Project Appropriation Amended. Department of Safety; New Hampshire State Police Narcotics and Investigations Unit. Amend 2003, 240:3, I, D to read as follows:

D. [Finish Troop D-First Floor] State Police Narcotics and Investigations Unit	589,000
Less Other -111,910	

Net state appropriation subparagraph D	<u>477,090</u>
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16 Capital Appropriation Match; Department of Transportation. Amend 2007, 264:1, XIV, C to read as follows:

C. Rail - Match*	500,000
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*The state funds authorized for rail match *may be used by the state to match federal planning funds or as a local match and, if used as a local match*, shall not be expended until the local match is acquired.

17 Project Funding Amended; Veterans' Home. Amend 2009, 145:1, XIII to read as follows:

XIII. Veterans' Home.

A. Life Safety Infrastructure Upgrades	[\$7,200,000] \$6,800,000
Less Federal	[-4,680,000] -4,420,000

Net state appropriation subparagraph A	[2,520,000] 2,380,000
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B. Master Plan	100,000
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C. Central Shipping and Receiving/Multi-purpose Center*	[1,000,000] 1,400,000
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Less Federal	[650,000] -910,000
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Net state appropriation subparagraph C	[350,000] 490,000
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Total state appropriation paragraph XIII	<u>\$2,970,000</u>
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18 Lapse Dates Extended to June 30, 2013. The following appropriations are hereby extended to June 30, 2013:

1. The appropriation made to the adjutant general in 2009, 145:1, I, A for statewide-fire alarm and life safety upgrades.

2. The appropriation made to the adjutant general in 2009, 145:1, I, B, for D and E storage buildings, additional power and lighting.

3. The appropriation made to the adjutant general in 2009, 145:1, I, C, for armory-roof materials and systems replacements.

4. The appropriation made to the adjutant general in 2009, 145:1, I, D, for NHARNG-training site water and sewer.

5. The appropriation made to the adjutant general in 2009, 145:1, I, E, for Manchester-underground storage tank repairs.

6. The appropriation made to the adjutant general in 2003, 240:1, I, A, as extended by 2005, 259:25, II, and as amended by 2006, 272:2, A, as extended by 2007, 264:29, II, as extended by 2009, 145:19, 1, for armory renovations.

7. The appropriation made to the adjutant general in 2003, 240:1, I, D, as extended by 2005, 259:25, V, as extended by 2007, 264:29, III, as extended by 2009, 145:19, 2, for joint service training facility design.

8. The appropriation made to the adjutant general in 2007, 264:1, I, A, as extended by 2009, 145:19, 4, for armory-roofing projects.

9. The appropriation made to the adjutant general in 2007, 264:1, I, B, as extended by 2009, 145:19, 5, for armory-statewide auxiliary power.

10. The appropriation made to the adjutant general in 2007, 264:1, I, C, for armory-alarm fire systems.

11. The appropriation made to the adjutant general in 2007, 264:1, I, F, for regional training institute construction.

12. The appropriation made to the department of administrative services, bureau of court facilities, in 2009, 145:1,II, A, 1, for Hillsborough County north-asbestos abatement.

13. The appropriation made to the department of administrative services, bureau of court facilities, in 2009, 145:1, II, A, 2, for master plan for the courts.

14. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 1, for Johnson hall renovations/repairs.

15. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 2, for LOB-critical maintenance.

17. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 4, for Johnson hall-new roof.

18. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 5, for state library-repoint brick, internal repairs.

19. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 8, for 4 state buildings-cafeteria fire systems.

20. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 1, for Bow Brook Pond dredging and dam stoplog.

21. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 2, for Dollof building drainage improvements.

22. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 3, for main building bakery roof repair.

23. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 4, for Hugh Gallen office park parking.

24. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 5, for Hugh Gallen office park main building Rumford egress stair and interior stairwell.

25. The appropriation made to the department of administrative services in 2009, 145:1, II, D, 1, for state owned facilities energy and lighting improvements.

26. The appropriation made to the department of administrative services, in 2009, 145:1, II, E, 3, for ERP-information technology phase II.

27. The appropriation made to the department of administrative services, bureau of court facilities, in 2009, 145:15, II, B, for northern Carroll County-new roof.

28. The appropriation made to the department of administrative services, in 2009, 145:16, II, A, for supreme court parking lot.

29. The appropriation made to the department of administrative services, in 2009, 145:16, II, B, for supreme court ADA access.

30. The appropriation made to the department of administrative services, in 2009, 145:16, II, D, for state house ice stop system.

32. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 2, as amended by section 14 of 2007 as extended by 2007, 264:29, IX, as extended by 2009, 145:19, 12, for Cheshire and Merrimack County courthouse design.

34. The appropriation made to the department of administrative services - financial data management in 2003, 240:1, II, C, 2, as extended by 2005, 259:25, XVI, as extended by 2007, 264:29, XIX, as extended by 2009, 145:19, 13, for enterprise resource planning.

35. The appropriation made to the department of administrative services in 2006, 258:16, I, as extended by 2007, 264:29, XXI, as extended by 2009, 145:19, 14, for quality assurance evaluation, monitoring and reporting related to the implementation of the ERP system.

36. The appropriation made to the department of administrative services in 2007, 264:1, II, B, 2, as extended by 2009, 145:19, 17, for state house, state library and LOB maintenance and repointing.

37. The appropriation made to the community college system in 2009, 145:1, III, A, for critical maintenance.

38. The appropriation made to the community college system in 2009, 145:1, III, E, for health science and tech building, Nashua.

39. The appropriation made to the department of corrections in 2009, 145:1, IV, A, for women's prison and transitional housing site/design.

40. The appropriation made to the department of corrections in 2009, 145:1, IV, B, for MSU, dorms, CCU, SPU, MCS, MCN, repair bathrooms.

41. The appropriation made to the department of corrections in 2009, 145:1, IV, C, for residential treatment unit phase 2.

42. The appropriation made to the department of corrections in 2009, 145:1, IV, D, for admin east wing-upgrade electric wiring.

43. The appropriation made to the department of corrections in 2009, 145:1, IV, E, for MSU and admin buildings-replace sprinkler system.

44. The appropriation made to the department of corrections in 2009, 145:1, IV, F, and transferred to the department of administrative services by section 14 of this act, for stormwater/sewer system-EPA order #05-13.

45. The appropriation made to the department of corrections in 2005, 259:1, IV, A, as extended by 2007, 264:29, XXVII, as extended by 2009, 145:19, 22, for electronic security upgrades-men's prison.

46. The appropriation made to the department of corrections in 2007, 264:1, V, A, as extended by 2009, 145:19, 23, for electronic security upgrades-men's prison.

47. The appropriation made to the department of corrections in 2007, 264:1, V, C, as extended by 2009, 145:19, 24, for structural wall and beam repair-men's prison.

48. The appropriation made to the department of corrections in 2007, 264:1, V, G, as extended by 2009, 145:19, 25, for residential treatment unit, phase 1-Concord.

49. The appropriation made to the department of education in 2009, 145:1, V, A, for pre-engineering technology.

50. The appropriation made to the department of education in 2009, 145:1, V, B, for regional career and technical education-Wolfboro.

51. The appropriation made to the department of education in 2009, 145:1, V, C, for regional career and technical education center.

52. The appropriation made to the department of education in 2007, 264:1, VI, B, as extended by 2009, 145:19, 29, for renovation regional career and tech ed center-Manchester.

53. The appropriation made to the department of environmental services in 2009, 145:1, VI, A, for WRBP wastewater treatment plant improvements.

54. The appropriation made to the department of environmental services in 2009, 145:1, VI, B, for drinking water SRF matching funds.

55. The appropriation made to the department of environmental services in 2009, 29:4, I, for renovation and repair, Dorrs pond dam, Manchester.

56. The appropriation made to the department of environmental services in 2003, 240:1, V, A, as extended by 2005, 259:25, XXVIII, as extended by 2007, 264:29, XXXVII, as extended by 2009, 145:19, 31, for hazardous waste superfund match.

57. The appropriation made to the department of environmental services in 2003, 240:1, V, C, as extended by 2005, 259:25, XXX, as extended by 2007, 264:29, XXXVII, as extended by 2009, 145:19, 32, for drinking water SRF matching funds.

58. The appropriation made to the department of environmental services in 2003, 240:1, V, A, as extended by 2005, 259:25, XXX, as extended by 2007, 264:29, XXXVII, for waste water SRF matching funds.

59. The appropriation made to the department of environmental services in 2005, 259:1, VI, A, as extended by 2007, 264:29, XXXVIII, as extended by 2009, 145:19, 33, for dam repairs, removal and reconstruction.

60. The appropriation made to the department of environmental services in 2005, 259:1, VI, BI, as extended by 2007, 264:29, XXXIX, as extended by 2009, 145:19, 34, for drinking water SRF matching funds.

61. The appropriation made to the department of environmental services in 2005, 259:1, VI, C, as extended by 2007, 264:29, XL, as extended by 2009, 145:19, 35, for wastewater SRF matching funds.

62. The appropriation made to the department of environmental services in 2005, 259:1, VI, D, as extended by 2007, 264:29, XLI, as extended by 2009, 145:19, 36, for bedrock aquifer monitoring.

63. The appropriation made to the department of environmental services in 2007, 264:1, VII, A, as extended by 2009, 145:19, 38, for the drinking water state revolving fund matching funds.

64. The appropriation made to the department of environmental services in 2007, 264:1, VII, B, as extended by 2009, 145:19, 39, for the wastewater state revolving fund matching funds.

65. The appropriation made to the department of environmental services in 2007, 264:1, VII, C, as extended by 2009, 145:19, 40, for the hazardous waste superfund match.

66. The appropriation made to the department of environmental services in 2007, 264:1, VII, F, as extended by 2009, 145:19, 43, for dam repairs, removal and reconstruction.

67. The appropriation made to the department of environmental services in 2007, 264:1, VII, G, as extended by 2009, 145:19, 44, for Gorham office repairs and renovations.

68. The appropriation made to the fish and game department in 2009, 145:3, III, for point of service for registration.

69. The appropriation made to the fish and game department in 2005, 259:3, II, as extended by 2007, 264:29, XLVI, as extended by 2009, 145:19, 45, for hatchery system modernization.

70. The appropriation made to the department of health and human services in 2009, 145:1, VII, B, for incremental renewal of HEIGHTS phase II.

71. The appropriation made to the department of health and human services in 2009, 145:17, IV, B, for above ground oil storage compliance.

72. The appropriation made to the department of health and human services in 2009, 145:17, IV, C, for strategic plan for legacy systems, 50-50 federal match.

74. The appropriation made to the department of health and human services in 2005, 259:1, VII, C, as extended by 2007, 264:29, LIV, as extended by 2009, 145:19, 48, for state office park south – electrical system upgrade.

76. The appropriation made to the department of health and human services in 2007, 264:1, IX, E, as extended by 2009, 145:19, 52, as amended by 2009, 145:18, as extended by 2009, 145:19, 50, for Glencliff-Brown building patient room floor abatement, tunnel repair admin building roof replacement.

77. The appropriation made to the liquor commission in 2009, 145:1, VIII, A, for Hampton north roof replacement.

78. The appropriation made to the liquor commission in 2009, 145:1, VIII, B, for build liquor store-Nashua.

79. The appropriation made to the McAuliffe-Shepard discovery center in 2007, 264:1, IV, L, as extended by 2009, 145:19, 20, for Christa McAuliffe planetarium-Alan Shepard memorial wing.

80. The appropriation made to the McAuliffe-Shepard discovery center in 2003, 240:1, III, H, as extended by 2005, 259:25, XVII, as extended by 2007, 264:21, as extended by 2007, 264:29, XXII, as extended by 2009, 145:19, 21, for Christa McAuliffe planetarium-Alan Shepard memorial wing.

81. The appropriation made to the Pease development authority by 2007, 264:1, XII, A, as amended by 2008, 5:1, as extended by 2009, 145:19, 53, for Market street marine terminal pier.

82. The appropriation made to the Pease development authority by 2007, 264:1, XII, B, as amended by 2008, 5:1, as extended by 2009, 145:19, 54, for Rye harbor commercial fish pier.

83. The appropriation made to the department of resources and economic development in 2009, 145:1, X, A, for statewide roof and park repairs.

84. The appropriation made to the department of resources and economic development in 2009, 145:1, X, B, for Mount Washington tip top house repairs.

85. The appropriation made to the department of resources and economic development in 2009, 145:1, X, C, for Mittersill expansion.

86. The appropriation made to the department of resources and economic development in 2009, 145:1, X, D, for Hampton seashell and 2 bathhouses.

87. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, D, as extended by 2005, 259:25, XXXVIII, as extended by 2007, 264:29, LXII, as extended by 2009, 145:19, 55, for Mount Washington electrification.

88. The appropriation made to the department of resources and economic development in 2005, 259:1, IX, E, as extended by 2007, 264:29, LXIII, as extended by 2009, 145:19, 56, for Mount Washington electrification.

89. The appropriation made to the department of resources and economic development in 2007, 264:1, XIII, F, as extended by 2009, 145:19, 57, for statewide radio system.

90. The appropriation made to the department of revenue administration in 2009, 145:1, XI, A, for tax system 2010.

91. The appropriation made to the department of safety in 2009, 145:2, I, A, for DMV VISION project continuation.

92. The appropriation made to the department of safety in 2009, 145:2, I, B, for Dover point DMV substation.

93. The appropriation made to the department of safety in 2003, 240:3, I, D, as extended by 2005, 259:25, XLI, as extended by 2007, 264:29, LXVI, as extended by 2009, 145:19, 59, and as amended by section 15 of this act, for state police narcotics and investigations unit.

94. The appropriation made to the department of safety in 2005, 259:4, I, A, as extended by 2007, 264:29, LXVII, as extended by 2009, 145:19, 60, for enhanced road toll system.

95. The appropriation made to the department of safety in 2007, 264:2, I, D, as extended by 2009, 145:19, 63, for OIT projects for DMV.

96. The appropriation made to the department of transportation in 2009, 145:1, XII, A, for FAA projects.

97. The appropriation made to the department of transportation in 2009, 145:1, XII, B, for public transit bus matching funds.

98. The appropriation made to the department of transportation in 2009, 145:1, XII, C, for airport navigation equipment.

99. The appropriation made to the department of transportation in 2009, 145:1, XII, D, for Coos County rail improvements.

100. The appropriation made to the department of transportation in 2009, 145:1, XII, E, for state owned rail bridge repair.

101. The appropriation made to the department of transportation in 2009, 145:2, II, A, for underground fuel tank replacement statewide.

102. The appropriation made to the department of transportation in 2009, 145:2, II, C, for replacement of automated fueling system-phase 2.

103. The appropriation made to the department of transportation in 2009, 145:2, II, D, for TMC equipment room fire suppression.

104. The appropriation made to the department of transportation in 2009, 145:2, II, E, for Nashua DMV EZ pass customer service.

105. The appropriation made to the department of transportation in 2009, 145:2, II, F, for energy/environmental renovations statewide.

106. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202.28 XXXIII, 2003, 240:34, LXXVI, and 2005, 259:25, LVI, as extended by 2007, 264:29, LXXIV, as extended by 2009, 145:19, 64, for acquisition of railroad and airport properties.

107. The appropriation made to the department of transportation in 2007, 264:1, XIV, A, as extended by 2009, 145:19, 65, for 5-10 percent match for FAA projects.

108. The appropriation made to the department of transportation in 2007, 264:1, XIV, C, as extended by 2009, 145:19, 67, and as amended by section 16 of this act, for rail match.

109. The appropriation made to the department of transportation in 2007, 264:1, XIV, D, as extended by 2009, 145:19, 68, for repair state rail lines.

111. The appropriation made to the department of transportation in 2007, 264:2, II, D, as extended by 2009, 145:19, 73, for the Chesterfield welcome center.

112. The appropriation made to the department of transportation in 2007, 264:2, II, E, as extended by 2009, 145:19, 74, for a fuel center computer system.

113. The appropriation made to the department of transportation in 2007, 264:1, XIV, B, as extended by 2009, 145:19, 66, for public transit bus replacement.

114. The appropriation made to the department of transportation in 2005, 259:1, XIII, F, as amended by 2007, 264:20, and as extended by 2007, 264:29, as extended by 2009, 145:19, 81, for railroad acquisition, right of first refusal, rail match.

115. The appropriation made to the department of transportation in 2005, 259:4, II, I, as extended by 2007, 264:29, LXXXVII, as extended by 2009, 145:19, 83, for Chesterfield welcome center and Antrim rest area.

116. The appropriation made to the New Hampshire veterans home in 2009, 145:1, XIII, A, as amended by section 17 of this act, for life safety infrastructure upgrades.

117. The appropriation made to the New Hampshire veterans home in 2009, 145:1, XIII, C, as amended by section 17 of this act, for central shipping and receiving/multi-purpose center.

19 Effective Date.

I. Section 18 of this act shall take effect June 30, 2011.

II. The remainder of this act shall take effect July 1, 2011.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 648, relative to eminent domain petitions by public utilities. OUGHT TO PASS WITH AMENDMENT.

Rep. Laurence M. Rappaport for Science, Technology and Energy: This bill, as amended, will prohibit public utilities from petitioning the Public Utilities Commission (PUC) for permission to take private land or property rights for construction or operation of an electric transmission facility so long as the transmission facility is not needed for system reliability. This brings RSA 371:1 more in line with Part I, Article 12-a of New Hampshire's constitution and bill of rights. Vote 11-4.

Amendment (1134h)

Amend the bill by replacing all after the enacting clause with the following:

1 Proceedings to Acquire Property or Rights; Petition. Amend RSA 371:1 to read as follows:

371:1 Petition. Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a line, branch line, extension, [or a] pipeline, conduit, line of poles, towers, or wires across the land of another, or should acquire land, land for an electric substation, or flowage, drainage, or other rights for the necessary construction, extension, or improvement of any water power or other works owned or operated by such public utility, and it cannot agree with the owners of such land or rights as to the necessity or the price to be paid therefor, such public utility may petition the public utilities commission for such rights and easements or for permission to take such lands or rights as may be needed for said purposes. No public utility may petition for permission to take private land or property rights for the construction or operation of an electric generating plant or *a transmission facility so long as the transmission facility is not needed for system reliability.*

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits public utilities from petitioning for permission to take private land or property rights for the construction or operation of certain transmission facilities.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Campbell spoke against and yielded to questions.

Reps. William O'Connor and Levasseur spoke against.

Reps. Rappaport and James Garrity spoke in favor.

Reps. Ladd and Pastor spoke in favor and yielded to questions.

Rep. Rappaport requested a roll call; sufficiently seconded.

YEAS 317 NAYS 51

YEAS 317

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Tobin, William

Bolster, Peter
Luther, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey

Fields, Dennis
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Emerson, Susan
Lerandeau, Alfred
Smith, Edwin

Carr, Daniel
Hunt, John
Moore, Charles
Sterling, Franklin Jr

Cartwright, Anne
Johnsen, Gladys
Moore, Robert Jr
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Richardson, Herbert

Merrick, Evalyn
Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Ingbreton, Paul
Pastor, Beatriz
Smith, Suzanne
White, Andrew

Almy, Susan
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Sorg, Gregory

Bradley, Lester
Gould, Franklin
Mirski, Paul
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Harding, Laurie
Nordgren, Sharon
Simard, Paul
Townsend, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Gidge, Kenneth
Graham, John
Hardwick, Harry
Holden, Frank
Jasper, Shawn
Long, Patrick
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Balboni, Michael
Beattie, Thomas
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Gagne, Larry
Gimas, John
Greazzo, Phil
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Proulx, Mark
Shaw, Barbara
Stepanek, Stephen
Terrio, Ross
Villeneuve, Moe

Baroody, Benjamin
Belanger, James
Brunelle, Michael
Champagne, Norma
Condra, William
Day, Russell
Erickson, Duane
Gandia, Laura
Gonzalez, Carlos
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Warden, Mark

Barry, J. Gail
Belvin, William
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Flanagan, Jack
Gargas, Carolyn
Gorman, Mary
Hansen, Peter
Hogan, Edith
Infantine, William
LeBrun, Donald
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Porter, Marjorie
Rosenwald, Cindy
Simmons, Tammy
Summers, James
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Gile, Mary
Hill, Gregory
Lindsley, Mark

Coffey, Jennifer
DeStefano, Stephen
Giuda, J. Brandon
Hoell, J.R.
MacKay, James

Cohn, Seth
Foosse, Robert
Hamm, Christine
Kidder, David
McDonnell, John

Cox, Sean
Frazer, June
Hess, David
Kreis, Kenneth Sr
McGuire, Carol

McGuire, Dan
Richardson, Jon
Smith, Molly
Winter, Steven

Patten, Dick
Sanborn, Laurie
Smith, Todd

Potter, Frances
Seaworth, G. Brian
Soltani, Tony

Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Moody, Marcia
O'Connor, John
Perkins, Amy
Quandt, Matt
Ritter, Glenn
Sedensky, John
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Murphy, Brian
Okerman, Richard
Perkins, Lawrence
Reagan, John
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Nevins, Chris
Packard, Sherman
Powers, James
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Norelli, Terie
Pantelakos, Laura
Quandt, Marshall
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Hofemann, Roland
Jones, Laura
Leonard, Frederick Jr
Pitre, Joseph
Vita, Carol

Brown, Julie
Ginsburg, Philip
Hooper, Dorothea
Kaen, Naida
Newton, Clifford
Roberts, Jenna
Vita, Lucien

Browne, Brendon
Grassie, Anne
Horrigan, Timothy
Keans, Sandra
Parsons, Robbie
Spainhower, Dale
Wall, Janet

DeLemus, Susan
Groen, Warren
Jones, Kyle
Larsen, Kirsten
Pelletier, Marsha
Spang, Judith
Watters, David

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Rodeschin, Beverly

Cloutier, John
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lefebvre, Benjamin

Howard, Thomas
Osgood, Joe

NAYS 51

BELKNAP

Kingsbury, Robert

Tilton, Franklin

None

CARROLL

CHESHIRE

Butynski, William
Roberts, Kris

Hawkes, Samuel
Sad, Tara

Lindsey, Steven
Weber, Lucy

Meador, David

COOS

Theberge, Robert

GRAFTON

Benn, Bernard

Eaton, Stephanie

HILLSBOROUGH

Campbell, David
 Goley, Jeffrey
 Levasseur, Nickolas
 Rhodes, Brian
 Sullivan, Daniel

Cote, David
 Hawkins, Kenneth
 Moran, Edward
 Rokas, Ted
 Vaillancourt, Steve

Drisko, Richard
 Judy, Jean
 Pilotte, Maurice
 Rowe, Robert

Garrity, Patrick
 Katsianonis, Thomas
 Ramsey, Peter
 Seidel, Carl

MERRIMACK

Bouchard, Candace
 Owen, Derek
 Watrous, Rick

Kotowski, Frank
 Palfrey, David
 Williams, Robert

Lauer-Rago, Kathleen
 Reed, Dennis

Lockwood, Priscilla
 Rice, Chip

ROCKINGHAM

DiPentima, Rich

Hagan, Joseph

Lovejoy, Patricia

Read, Robin Jr

STRAFFORD

Berube, Roger
 Sprague, Dale

Munck, Philip

O'Connor, William

Schmidt, Peter

SULLIVAN

Gagnon, Raymond

Schmidt, Andrew

and the committee report was adopted and ordered to third reading.
 Rep. Eaton voted Nay and intended to vote Yea.

HB 580-FN-L, relative to the New Hampshire retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for the Majority of Special Committee on Public Employee Pensions Reform: This bill makes comprehensive changes to the New Hampshire Retirement System. These changes will ensure that the current employees as well as retirees will in fact be able to receive their pensions. The changes include increased employee contributions, changes in age to receive benefits, maximum benefit entitled to and years worked to receive the benefit. We feel that this is good public policy and will help strengthen the New Hampshire Retirement System going forward. We also feel that it will help with recruitment and retention of employees. Vote 10-4.

Rep. Stephen J. Shurtleff for the Minority of Special Committee on Public Employee Pensions Reform: The minority firmly believes that this legislation should only apply to employees hired on or after the bill's effective date. As was pointed out by a member of the committee, who voted with the majority, this bill allows "everyone moving forward to know what benefits are provided." Grandfathering current employees would eliminate one possibility of the bill being challenged in court. It would also clear up the bill's numbering system. But most importantly, it would allow new employees to know exactly what benefits they can expect, while allowing current employees to finish their employment under the rules under which they were hired.

Majority Amendment (1174h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Intent.

I. It is imperative for the state to take immediate action to assure the state retirement system's future financial health.

(a) The Pew Institute has concluded that unfunded pension and healthcare liabilities are a nationwide problem, estimated at over \$1 trillion.

(b) The New Hampshire retirement system has an estimated unfunded pension liability of \$3.7 billion and \$1.5 billion of unfunded medical insurance liability. Although a plan is underway for recovery over 30 years, uncertainties in future market returns, rapid increases in medical costs, increases in life expectancy, and slower growth in public sector employment require prudent intervention to assure financial viability.

(c) The level of federal debt of almost \$14 trillion and growing rapidly suggests that federal assistance to the states may be significantly reduced in the future, adding to the problem.

(d) The budget reductions planned for the state fiscal years 2012 and 2013 are large, and do not fully meet the state's commitments to health and human services, education, transportation, and other services. Reductions in state retirement costs are a necessary part.

II. The current level of benefits for public employees is unsustainable.

(a) On average, benefits constitute an additional 52 percent increase to the cost of public salaries. This is significantly higher than the percent paid in the private sector, and taxpayers are increasing unable to continue this level of support, especially in our recessionary climate.

(b) Public employees are increasingly not cost-competitive with private alternatives to providing state and municipal services.

(c) Public employee contributions to their pensions have not been increased for many years.

III. The financial viability of the state retirement system must be preserved.

(a) Simply shifting who pays (i.e., employees or employers) will not solve the problem.

(b) It is important to adjust the system fairly among employee classes, and to introduce changes in a way to ameliorate impact on present employees, especially those closest to retirement.

(c) Pension costs must not make public employees uncompetitive with the private sector.

2 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean, *for members who retire prior to July 1, 2016*, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. *For members who retire on or after July 1, 2016, "average final compensation" shall mean the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years.*

3 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For all members *in service on or before June 30, 2011 and who retire prior to July 1, 2016*, the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1- 1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) For any member in service on and after July 1, 2011 and who retires after July 1, 2016, the full base rate of compensation paid plus holiday pay, vacation pay, and sick pay, and any compensation for mandatory training and any military differential pay. Earnable compensation shall not include pay for accumulated unused sick or vacation time. However, earnable compensation in the final 2 12-month periods of creditable service prior to termination of employment shall each be limited to 1-1/2 times the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 24 months. Any compensation received in the final 24 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

4 Membership; Employees; Full-Time Requirement. Amend RSA 100-A:3, III to read as follows:

III. The board of trustees may, in its discretion, accept as members any class of **full-time** employees, **or any class of** teachers, permanent policemen or permanent firemen, whose compensation is only partly paid by an employer or who are serving on a temporary or other than per annum basis, and it may also, in its discretion, make optional with **such** employees, teachers, permanent policemen or permanent firemen in any such class their individual entrance into membership. **Provided, however, that membership as an employee as defined in RSA 100-A:1, V shall require full-time employment, which shall not be satisfied by the combination of service in one or more part-time positions. In addition, no member in a full-time position as an employee shall be permitted to make contributions or to accrue benefits under this chapter on account of any such part-time employment. Any rule or practice adopted by the board which is inconsistent with the requirements of this paragraph shall be without effect.**

5 Service Retirement; Age Increased. Amend RSA 100-A:5 to read as follows:
100-A:5 Service Retirement Benefits.

I. Group I Members.

(a) Any group I member, **who** may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained age 60 **if the member is in vested status before July 1, 2011 or age 65 if the member is not in vested status on July 1, 2011**, and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year.

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service.

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has either completed at least 20 years of creditable service which, when combined with his **or her** age equals at least [70] 75 years, or who has attained the age of [50] 55, but not the age of 60 **if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011**, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age **if the member is in vested status before July 1, 2011 or 65 years of age if**

the member is not in vested status on July 1, 2011, by 1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

(d) [Repealed.]

II. Group II Members.

(a)(1) Any group II member in service, *who is in vested status before July 1, 2011*, who has attained age 45 and completed 20 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(2) *Any group II member in service who is not in vested status on July 1, 2011, who has attained age 50 and completed 25 years of creditable service, or who has attained age 65 regardless of the number of years of creditable service, may retire and receive a service retirement allowance beginning upon the attainment of age 55 upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.*

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

(2) *For members who are in vested status before July 1, 2011*, a state annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service not in excess of 40 years, *or for members who commenced service or are not in vested status on July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 25 years.*

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who *is in vested status before July 1, 2011* and has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service shall receive a minimum annual service retirement allowance of \$10,000, *and any group II member who is not in vested status on July 1, 2011 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, shall receive beginning upon the attainment of age 55 a minimum annual service retirement allowance of \$10,000.* If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

6 Disability Retirement; Group I Age Increased. Amend RSA 100-A:6, I(b) to read as follows:

(b)(1) Upon ordinary disability retirement, the group I member who has attained age 60 *if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011* shall receive an ordinary disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(C) Regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his *or her* disability retirement.

(2) Upon ordinary disability retirement, the group I member who has not attained age 60 *if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011* shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement; and a state annuity which, together with the member annuity, shall be equal to 1.5 percent of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at that time of his ordinary disability retirement. However, regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his *or her* disability retirement.

7 Accidental Disability Retirement; Group I. Amend RSA 100-A:6, I(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group I member who has attained age 60 *if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011* shall receive an accidental disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(C) Regardless of age at disability, such allowance shall not be less than 50 percent of the member's average final compensation at the time of his accidental disability retirement.

(2) Upon accidental disability retirement, the group I member who has not attained age 60 *if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011* shall receive an accidental disability retirement allowance which shall consist of: the member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement; and a state annuity which, together with the member annuity, shall be equal to 50 percent of the member's average final compensation at the time of his disability retirement.

8 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his *or her* ordinary disability retirement; and a state annuity which, together with his *or her* member annuity, *for members who are in vested status before July 1, 2011*, shall be equal to 2-1/2 percent of his *or her* average final compensation at the time of [his] ordinary disability retirement multiplied by the number of years of his *or her* creditable service not in excess of 40 at the time of [his] ordinary disability retirement, *or for members who are not in vested status on July 1, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 25 at the time of ordinary disability retirement*, provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his *or her* disability retirement.

9 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group II member *who is in vested status before July 1, 2011*, shall receive an accidental disability retirement allowance equal to 2/3 of his *or her* average final compensation at the time of [his] disability retirement, *and the group II member who is not in vested status on July 1, 2011, shall receive an accidental disability retirement allowance equal to 1/2 of his or her average final compensation at the time of disability retirement*.

(2) For any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of

his *or her* average final compensation multiplied by the number of years of his *or her* creditable service in excess of 26-2/3 but not in excess of 40 years. ***Provided however that an accidental disability retirement allowance together with a supplemental disability retirement allowance, as provided in this subparagraph, shall not exceed 100 percent of the disability retiree's average final compensation.***

10 Vested Deferred; Group II Age Increased. Amend RSA 100-A:10, II(b) to read as follows:

(b) ***For members who are in vested status before July 1, 2011***, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, or at any time after age 60, ***or for members who are not in vested status on July 1, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, or at any time after age 65***, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

11 Return of Contributions. Amend RSA 100-A:11, I(c) to read as follows:

(c) Upon the death of a group I member who has elected, pursuant to RSA 100-A:10, to receive a vested deferred retirement allowance before his *or her* attainment of age 60 ***if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011***, the amount of his *or her* accumulated contributions at the time of his *or her* death shall be paid to the person or persons, if any, nominated by [him] ***the member***, if living, otherwise to the member's estate.

12 Split Benefits; Minimum Age. Amend RSA 100-A:19-b to read as follows:

100-A:19-b Minimum Age. For the purposes of this subdivision only, minimum age shall mean:

I. For a member who has completed less than 20 years combined creditable service in both group I and group II, 60 years ***if the member is in vested status before July 1, 2011 or 65 years if the member is not in vested status on July 1, 2011.***

II. For a member ***who is in vested status before July 1, 2011 and***, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years. ***For a member who commenced service or is not in vested status on July 1, 2011 and, who has completed 25 or more years of combined creditable service, one year shall be deducted from age 65 for each year of creditable group II service, provided that the age shall not be less than 50 years.***

13 Split Benefits; Reduced Early Retirement; Minimum Age. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 ***for members who are in vested status with group II service prior to July 1, 2011 or at least 50 for members who commenced group II service or are not in vested status on July 1, 2011*** and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

14 State Employees; Retirement. Amend RSA 21-I:30, II(a) to read as follows:

(a) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003, and who also is at least 60 years of age at the time of retirement ***if the employee is in vested status before July 1, 2011 or at least 65 years of age at the time of retirement if the employee is not in vested status on July 1, 2011; or***

15 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible *if the member is in vested status before July 1, 2011 or 65 years of age if the member is not in vested status on July 1, 2011*. If the vested deferred state retiree is a member of group II *who is in vested status before July 1, 2011*, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, *and any group II member who is not in vested status on July 1, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age*.

16 Retirement Age Changed; Vested Status; Group I. Notwithstanding the provisions of RSA 100-A:5, RSA 100-A:6, RSA 100-A:10, RSA 100-A:11, RSA 100-A:19-b, and RSA 21-I:30 relating to retirement at age 60, persons who are in vested status in the retirement system or as a state employee under RSA 21-I:30 on the effective date of this section shall be permitted to retire on an unreduced service retirement, disability retirement, vested deferred retirement, or split benefit retirement at the following ages, based on the corresponding number of years of creditable service:

- I. At least 10 but not 15 years of creditable service, age 64.
- II. At least 15 but not 20 years of creditable service, age 63.
- III. At least 20 but not 25 years of creditable service, age 62.
- IV. At least 25 but not 30 years of creditable service, age 61.
- V. At least 30 years of creditable service, age 60.

17 Retirement Qualifications; Members Not in Vested Status; Group II. Notwithstanding the provisions of RSA 100-A:5, RSA 100-A:6, RSA 100-A:10, RSA 100-A:11, RSA 100-A:19-b, and RSA 21-I:30 relating to retirement qualifications and calculation of benefits for group II members, any group II member not in vested status on July 1, 2011 shall be subject to the transition provisions of this section for years of service required for regular service retirement, the minimum age for regular service retirement, and the multiplier used to calculate the retirement annuity, which shall be applicable on July 1, 2011 according to the following table:

<u>Creditable service on July 1, 2011</u>	<u>Minimum years of service</u>	<u>Minimum age attained</u>	<u>Annuity multiplier</u>
(1) Less than 4 years	24	age 49	2.1%
(2) At least 4 years but less than 6 years	23	age 48	2.2%
(3) At least 6 years but less than 8 years	22	age 47	2.3%
(4) At least 8 years but less than 10 years	21	age 46	2.4%

18 Financing; Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

[Employees of employers other than the state 5.00
 Employees of the state hired on or before June 30, 2009 5.00
 Employees of the state hired after June 30, 2009 7.00
 Teachers 5.00
 Permanent Policemen 9.30
 Permanent Firemen 9.30-]
Group I members, 7.00

Group II permanent fireman members, 11.80**Group II permanent police members, 11.55**

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members *who are in vested status before July 1, 2011* with creditable service in excess of 40 years *or group II members who are not in vested status on July 1, 2011 with creditable service in excess of 25 years*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member *who is in vested status before July 1, 2011* with creditable service in excess of 40 years, *or group II member who is not in vested status on July 1, 2011 with creditable service in excess of 25 years*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

19 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall recalculate employer contribution rates for the state fiscal years 2012 and 2013 to reflect the requirements of RSA 100-A as amended by this act. Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective for the biennium beginning July 1, 2011, and the recertification of employer contribution percentages, applicable beginning July 1, 2011, shall be provided to each employer within a reasonable period of time not to exceed 30 days from the effective date of this section. The exception to the notice requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer contribution rates for the biennium beginning July 1, 2011.

20 New Section; Retirement System; Return to Work. Amend RSA 100-A by inserting after section 27 the following new section:

100-A:27-a Return to Work; Suspension of Benefits. Beginning July 1, 2011, no person for whom membership in the retirement system is optional under RSA 100-A:3, I, and no person employed by an employer on a full- or part-time basis or as a consultant for longer than 3 months in a year, may concurrently receive benefits under this chapter as a retired member. Benefits shall be suspended during any such period of employment.

21 Repeal. 2002, 137:7, relative to the application of the repeal of former RSA 100-A:3, I(c), is repealed.

22 Retirement System; Administration; Membership of Board. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of [14] 13 trustees. Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint [2] 4 trustees, to be known as non-member trustees, who shall be qualified persons with investment and/or financial experience as provided in this paragraph and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified. The non-member trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. The original appointment of [one] 2 of the non-member trustees shall be for a term of one year. The remaining [11] 8 members of the board shall consist of [2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who shall be appointed annually by the senate president, one member of the house of representatives who serves on the executive departments and administration committee and

who shall be appointed annually by the speaker of the house, and one person representing management in local government. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term.] **4 member representatives and 4 employer representatives.** The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, **and** the New Hampshire state permanent firemen's association, [and the New Hampshire Local Government Center] shall each annually nominate from their members a panel of 5 persons, [all of whom except for the panel of the Local Government Center shall be active members of the retirement system, or one of the 4 predecessor systems,] no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From [each of] the above named panels, the governor and council shall appoint [one person annually to] **the active member representatives of the board**[, except for the panel of the Local Government Center, which shall have one person appointed every 2 years] **as needed so as to maintain the representation on the board. The governor and council shall appoint the employer representatives of the board with the advice of employer organizations.** Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term [from the same panel from which the former member was appointed]. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees.

23 Application; Board of Trustees Membership. Members of the board of trustees for the retirement system on the effective date of this section shall serve for the remainder of their terms. In order to conform to changes to the retirement system board of trustees made by this act, upon a vacancy occurring in the membership on the board of trustees after the effective date of this section, the appointment of a trustee shall be made to reasonably conform to the trustee designations in RSA 100-A:14, I.

24 Repeal of Special Account. RSA 100-A:16, II(h)-(j), relative to the special account, are repealed.

25 Transfer of Balance of Special Account. Any funds remaining in the special account on the effective date of the repeal of the special account by this act shall be transferred to the respective components of the state annuity accumulation fund.

26 Definition of Terminal Funding. Amend RSA 100-A:1, XXX to read as follows:

XXX. "Terminal funding" shall mean providing the full present value of the total liability for benefit improvement. [Unless otherwise specified, the source of terminal funding shall be the special account established under RSA 100-A:16, H(h).]

27 Benefits Upon Death After Retirement; References to Special Account. Amend RSA 100-A:12, I-a and II to read as follows:

I-a. In addition to any other provision of this section, upon the death of a retired group II member of the New Hampshire retirement system or any predecessor system, who retired pursuant to RSA 100-A:5, II with at least 20 years of creditable service or pursuant to RSA 100-A:6, II(a) prior to April 1, 1987, there shall be paid to the member's spouse at the time of retirement, if surviving, an allowance to continue until the spouse's death or remarriage equal to 50 percent of the service or ordinary disability retirement allowance payable to the retired member prior to the member's death. The total cost of terminally funding the benefits provided by this paragraph shall be funded from the [special account established under RSA 100-A:16, H(h)] **state annuity accumulation fund.**

II. Upon the death of a group II member who has retired on or after April 1, 1987, or upon the death of a group II member who has filed an application for retirement benefits with the board of trustees after January 1, 1991, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600 if the member retired before July 1, 1988, and if the member is married on the date of such member's retirement, there shall be paid to such surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, or accidental disability retirement allowance payments. For any person who is a group II member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, and on or prior to July 1, 1993, the lump sum payment shall be \$3,600. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be **terminally** funded [by reimbursement from the special account established under RSA 100-A:16, H(h)].

28 Supplemental Allowance; Reference to Special Account. Amend RSA 100-A:41-a, III to read as follows:

III.(a) The payment of any such supplemental allowance shall be contingent on terminal funding of the total actuarial cost thereof. ~~[Such terminal funding shall be from the special account established under RSA 100-A:16, II(h).]~~

(b) ~~[No supplemental allowance shall reduce the funds in the respective component of the special account to an amount less than zero.]~~

(c) Cost of living adjustments shall be retroactive to the member's eligibility date pursuant to paragraph I.

29 Management of Funds; Investment Committee. Amend RSA 100-A:15, I to read as follows:

I. The members of the board of trustees shall be the trustees of the several funds created hereby and shall set the investment policy relative to those funds. The independent investment committee shall have full power to invest and reinvest such funds in accordance with the policy set by the board. The board of trustees *and the members of the independent investment committee* shall have the powers, privileges, and immunities of a corporation. The independent investment committee shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments in accordance with the policy set by the board. All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested, or disbursed in trust.

30 Independent Investment Committee Amend RSA 100-A:15, IX to read as follows:

IX. The non-trustee members of the independent investment committee shall be afforded the same liability insurance ~~[and]~~, indemnification, *and statutory protections* as board members.

31 New Section; Retirement System; Construction of Provisions; Member Acknowledgement. Amend RSA 100-A by inserting after section 1 the following new section:

100-A:1-a Construction of Provisions; Member Acknowledgement.

I. The benefits provided under this chapter shall not be construed to constitute a binding contractual obligation with respect to members and may be modified or discontinued by the adoption of appropriate legislation.

II. Every employer shall keep on file for each member commencing service after June 30 2011 a statement of the employee's, teacher's, policeman's, or fireman's acknowledgement of the provisions of paragraph I of this section.

32 New Paragraph; Public Employee Labor Relations; Status Quo; Authority of Employer. Amend RSA 273-A:11 by inserting after paragraph II the following new paragraph:

III. Following the end of the term of a collective bargaining agreement and during any period of negotiation, the status quo shall be maintained as to the wages, hours, and conditions of employment of employees in good standing. Except where required by statute, the continuation, after the expiration of the agreement, of the provision of any medical, dental, and life insurance benefits, retirement or pension benefits, and any other fringe benefits, shall be subject to the exclusive authority of the public employer.

33 New Section; Department of Administrative Services; State Employee Refusal of Benefits Program. Amend RSA 21-I by inserting after section 43-a the following new section:

21-I:43-b State Employee Refusal of Benefits Program.

I. The commissioner of the department of administrative services shall establish and administer a program which shall allow a permanent full-time state employee to refuse his or her rights as a state employee to receive state medical, dental, and retirement benefits in order to instead receive an increase in his or her base salary or wage.

II. The department shall develop forms, establish procedures, and adopt rules for administering the program established by this section. The forms shall include specific notice of the details of the benefits refused by the election of a state employee under this section. Any such election shall be required to be signed and dated by the state employee.

III. A permanent full-time state employee paid through the office of the state treasurer shall be eligible to refuse state employee benefits as described in paragraph I. Upon verification by the department of the state employee's refusal of employment benefits, the state employee shall be granted an increase of 25 percent of his or her base salary or wage, excluding pay related to overtime, unused vacation time, unused sick time, longevity pay, or other compensation not deemed by the department to be base salary or wages, to be paid on regular pay schedule for employment during good standing.

IV. The election to refuse state employment benefits for an increase in base salary or wages shall only be available to a permanent full-time state employee who first commenced service with the state on or after July 1, 2004.

V. The source of funds for the payment of the increase of 25 percent for a state employee electing to refuse state employment benefits under this section shall be the employee and retiree benefit risk management fund established in RSA 21-I:30-e.

34 Severability; Contingent Amendment; Effective Date.

I. The provisions of this act making various amendments concerning the New Hampshire retirement system shall be severable and if any phrase, clause, sentence or provision of this act is declared to be contrary to the constitution of this state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this act and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby.

II. If as provided in paragraph I of this section, any phrase, clause, sentence, or provision is held contrary to the constitution of this state or of the United States, the remaining provisions of the act shall be in full force and effect as to all severable matters, and section 35 of this act shall take effect on the July 1 next following the date that the board of trustees certifies to the secretary of state and the director of legislative services of the occurrence of a final ruling on the declaration described in paragraph I.

35 Member Contribution Rates; Contingent Version. Repeal and reenact the introductory paragraph of RSA 100-A:16, I(a) and the contribution rates following the introductory paragraph to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, the rate percent of each member's compensation as determined by the retirement system which shall by annual total represent 50 percent of the normal contribution and accrued liability contribution determined under paragraph II.

36 Study Committee Established; Voluntary Defined Contribution Plan. There is established a committee to study the establishment of a federal tax qualified voluntary defined contribution plan.

I. The members of the committee shall be as follows:

(a) Three members of the senate, who shall be from the executive departments and administration committee, appointed by the president of the senate.

(b) Three members of the house of representatives, each of whom shall be from the special committee on public employee pensions reform, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

IV. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

37 Repeal. RSA 100-A:41-d, relative to additional temporary supplemental allowances, is repealed.

38 Effective Date.

I. Section 35 of this act shall take effect as provided in section 34 of this act.

II. The remainder of this act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill makes various changes to the state retirement system including:

I. Increasing retirement ages of group I and group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

II. Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

III. Changing the composition of the board of trustees.

IV. Eliminating the special account.

V. Increasing contribution rates.

VI. Establishing a committee to study the establishment of a voluntary defined contribution plan.

VII. Prohibiting a member in service from concurrently receiving benefits.

This bill also establishes a program allowing a state employee to refuse his or her rights as a state employee to receive state medical, dental, and retirement benefits in order to instead receive an increase in his or her base salary or wage; and provides that after the end of a collective bargaining agreement, the public employer has exclusive authority for continuation of benefits.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Shurtleff offered floor amendment (1229h).

Floor Amendment (1229h)

Amend the bill by replacing sections 2 - 18 with the following and renumbering the original sections 19 - 38 to read as 17 - 36, respectively:

2 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean, *for members who commenced service prior to July 1, 2011*, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. *For members who commenced service on or after July 1, 2011, "average final compensation" shall mean the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years.*

3 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For all members *who commenced service prior to July 1, 2011*, the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1- 1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) For any member who commenced service on or after July 1, 2011, the full base rate of compensation paid plus holiday pay, vacation pay, and sick pay, and any compensation for mandatory training and any military differential pay. Earnable compensation shall not include pay for accumulated unused sick or vacation time. However, earnable compensation in the final 2 12-month periods of creditable service prior to termination of employment shall each be limited to 1-1/2 times the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 24 months. Any compensation received in the final 24 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

4 Membership; Employees; Full-Time Requirement. Amend RSA 100-A:3, III to read as follows:

III. The board of trustees may, in its discretion, accept as members any class of **full-time** employees, **or any class of** teachers, permanent policemen or permanent firemen, whose compensation is only partly paid by an employer or who are serving on a temporary or other than per annum basis, and it may also, in its discretion, make optional with **such** employees, teachers, permanent policemen or permanent firemen in any such class their individual entrance into membership. **Provided, however, that membership as an employee as defined in RSA 100-A:1, V shall require full-time employment, which shall not be satisfied by the combination of service in one or more part-time positions. In addition, no member in a full-time position as an employee shall be permitted to make contributions or to accrue benefits under this chapter on account of any such part-time employment. Any rule or practice adopted by the board which is inconsistent with the requirements of this paragraph shall be without effect.**

5 Service Retirement; Age Increased. Amend RSA 100-A:5 to read as follows:

100-A:5 Service Retirement Benefits.

I. Group I Members.

(a) Any group I member, **who** may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained age 60 **if the member commenced service before July 1, 2011 or age 65 if the member commenced service on or after July 1, 2011**, and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year.

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service.

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has either completed at least 20 years of creditable service which, when combined with his **or her** age equals at least 70 years, or who has attained the age of 50, but not the age of 60 **if the member commenced service before July 1, 2011, or when combined with his or her age equals at least 75 years, or who has attained the age of 55, but not the age of 65 if the member commenced service on or after July 1, 2011**, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age **if the member commenced service before July 1, 2011 or 65 years of age**

if the member commenced service on or after July 1, 2011, by 1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

(d) [Repealed.]

II. Group II Members.

(a)(I) Any group II member in service, *who commenced service before July 1, 2011*, who has attained age 45 and completed 20 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(2) *Any group II member in service who commenced service on or after July 1, 2011, who has attained age 50 and completed 25 years of creditable service, or who has attained age 65 regardless of the number of years of creditable service, may retire and receive a service retirement allowance beginning upon the attainment of age 55 upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.*

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

(2) *For members who commenced service before July 1, 2011*, a state annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service not in excess of 40 years, *or for members who commenced service on or after July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 25 years.*

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who *commenced service before July 1, 2011* and has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service shall receive a minimum annual service retirement allowance of \$10,000, *and any group II member commenced service on or after July 1, 2011 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, shall receive beginning upon the attainment of age 55 a minimum annual service retirement allowance of \$10,000.* If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

6 Disability Retirement; Group I Age Increased. Amend RSA 100-A:6, I(b) to read as follows:

(b)(1) Upon ordinary disability retirement, the group I member who has attained age 60 *if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011* shall receive an ordinary disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(C) Regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his *or her* disability retirement.

(2) Upon ordinary disability retirement, the group I member who has not attained age 60 *if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011* shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement; and a state annuity which, together with the member annuity, shall be equal to 1.5 percent of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at that time of his ordinary disability retirement. However, regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his *or her* disability retirement.

7 Accidental Disability Retirement; Group I. Amend RSA 100-A:6, I(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group I member who has attained age 60 *if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011* shall receive an accidental disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(C) Regardless of age at disability, such allowance shall not be less than 50 percent of the member's average final compensation at the time of his accidental disability retirement.

(2) Upon accidental disability retirement, the group I member who has not attained age 60 *if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011* shall receive an accidental disability retirement allowance which shall consist of: the member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement; and a state annuity which, together with the member annuity, shall be equal to 50 percent of the member's average final compensation at the time of his disability retirement.

8 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his *or her* ordinary disability retirement; and a state annuity which, together with his *or her* member annuity, *for members who commenced service before July 1, 2011*, shall be equal to 2-1/2 percent of his *or her* average final compensation at the time of [his] ordinary disability retirement multiplied by the number of years of his *or her* creditable service not in excess of 40 at the time of [his] ordinary disability retirement, *or for members who commenced service on or after July 1, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 25 at the time of ordinary disability retirement*, provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his *or her* disability retirement.

9 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group II member *who commenced service before July 1, 2011*, shall receive an accidental disability retirement allowance equal to 2/3 of his *or her* average final compensation at the time of [his] disability retirement, *and the group II member who commenced service on or after July 1, 2011, shall receive an accidental disability retirement allowance equal to 1/2 of his or her average final compensation at the time of disability retirement*.

(2) For any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of

his *or her* average final compensation multiplied by the number of years of his *or her* creditable service in excess of 26-2/3 but not in excess of 40 years. ***Provided however that an accidental disability retirement allowance together with a supplemental disability retirement allowance, as provided in this subparagraph, shall not exceed 100 percent of the disability retiree's average final compensation.***

10 Vested Deferred; Group II Age Increased. Amend RSA 100-A:10, II(b) to read as follows:

(b) ***For members who commenced service before July 1, 2011***, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, or at any time after age 60, ***or for members who commenced service on or after July 1, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, or at any time after age 65***, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

11 Return of Contributions. Amend RSA 100-A:11, I(c) to read as follows:

(c) Upon the death of a group I member who has elected, pursuant to RSA 100-A:10, to receive a vested deferred retirement allowance before his *or her* attainment of age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011***, the amount of his *or her* accumulated contributions at the time of his *or her* death shall be paid to the person or persons, if any, nominated by ***[him] the member***, if living, otherwise to the member's estate.

12 Split Benefits; Minimum Age. Amend RSA 100-A:19-b to read as follows:

100-A:19-b Minimum Age. For the purposes of this subdivision only, minimum age shall mean:

I. For a member who has completed less than 20 years combined creditable service in both group I and group II, 60 years ***if the member commenced service before July 1, 2011 or 65 years if the member commenced service on or after July 1, 2011.***

II. For a member ***who commenced service before July 1, 2011 and***, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years. ***For a member who commenced service on or after July 1, 2011 and, who has completed 25 or more years of combined creditable service, one year shall be deducted from age 65 for each year of creditable group II service, provided that the age shall not be less than 50 years.***

13 Split Benefits; Reduced Early Retirement; Minimum Age. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 ***for members who commenced group II service prior to July 1, 2011 or at least 50 for members who commenced group II service on or after July 1, 2011*** and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

14 State Employees; Retirement. Amend RSA 21-I:30, II(a) to read as follows:

(a) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003, and who also is at least 60 years of age at the time of retirement ***if the employee commenced service before July 1, 2011 or at least 65 years of age at the time of retirement if the employee commenced service on or after July 1, 2011; or***

15 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible ***if the member commenced service before July 1, 2011 or 65 years of age if the member commenced service on or after July 1, 2011***. If the vested deferred state retiree is a member of group II ***who commenced service before July 1, 2011***, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, ***and any group II member who commenced service on or after July 1, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age.***

16 Financing; Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Employees of employers other than the state ***hired on or before June 30, 2011, 5.00***

Employees of the state hired on or before June 30, 2009, 5.00

Employees of the state hired after June 30, 2009, 7.00

Teachers ***hired on or before June 30, 2011, 5.00***

Permanent Policemen ***hired on or before June 30, 2011, 9.30***

Permanent Firemen ***hired on or before June 30, 2011, 9.30***

Group I members hired after June 30, 2011, 7.00

Group II permanent fireman members hired after June 30, 2011, 11.80

Group II permanent police members hired after June 30, 2011, 11.55

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members ***who commenced service before July 1, 2011*** with creditable service in excess of 40 years ***or group II members who commenced service on or after July 1, 2011 with creditable service in excess of 25 years***, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member ***who commenced service before July 1, 2011*** with creditable service in excess of 40 years, ***or group II member who commenced service on or after July 1, 2011 with creditable service in excess of 25 years***, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made. Amend paragraph II of section 32 of the bill by replacing it with the following:

II. If as provided in paragraph I of this section, any phrase, clause, sentence, or provision is held contrary to the constitution of this state or of the United States, the remaining provisions of

the act shall be in full force and effect as to all severable matters, and section 33 of this act shall take effect on the July 1 next following the date that the board of trustees certifies to the secretary of state and the director of legislative services of the occurrence of a final ruling on the declaration described in paragraph I.

Amend paragraph I of section 36 of the bill by replacing it with the following:

I. Section 33 of this act shall take effect as provided in section 32 of this act.

Rep. Pierce spoke in favor.

Rep. Hawkins spoke against.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 136 NAYS 224

YEAS 136 BELKNAP

Luther, Robert Millham, Alida

CARROLL

Knox, J. David Scala, Dino

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Hawkes, Samuel
Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Rappaport, Laurence
Remick, William	Richardson, Herbert	Theberge, Robert	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Cooney, Mary	Gould, Franklin	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Brown, Kevin	Brunelle, Michael	Buxton, Michael
Campbell, David	Cote, David	Day, Russell	Fredette, Robert
Gandia, Laura	Garrity, Patrick	Goley, Jeffrey	Gorman, Mary
Greazzo, Phil	Infantine, William	Jeudy, Jean	Katsiantonis, Thomas
Long, Patrick	McCarthy, Michael	Pilotte, Maurice	Porter, Marjorie
Proulx, Mark	Ramsey, Peter	Rhodes, Brian	Rokas, Ted
Rosenwald, Cindy	Shaw, Barbara	Sullivan, Daniel	

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Lindsley, Mark
Lockwood, Priscilla	MackKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Richardson, Jon
Seaworth, G. Brian	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	Charron, Gene	Chirichiello, Brian
Copeland, Timothy	DeSimone, Debra	DiPentima, Rich	Dowling, Patricia
Elliott, Robert	Lovejoy, Patricia	McKinney, Betsy	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence

Powers, James
Schlachman, Donna
Webb, James

Quandt, Marshall
Serlin, Christopher

Quandt, Matt
Waddell, James

Read, Robin Jr
Ward, Joanne

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 224

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Worsman, Colette

Bolster, Peter
Kingsbury, Robert
St. Cyr, Jeffrey

Comtois, Guy
Malone, Robert
Tilton, Franklin

Fields, Dennis
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Bymes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Tremblay, Marc

GRAFTON

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Belanger, James
Cebrowski, John
Coffey, James
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin

Balboni, Michael
Belvin, William
Champagne, Norma
Condra, William
DeJong, Cameron
Erickson, Duane
Gimas, John
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew

Barry, J. Gail
Boehm, Ralph
Christensen, D.L. Chris
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Robbins, David

Barry, Richard
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert

Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbaker, Lynne
Giuda, J. Brandon
Kidder, David
McDonnell, John
Reed, Dennis
Winter, Steven

Coffey, Jennifer
Hess, David
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Dan
Smith, Molly

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Allen, Mary
Bates, David
Comerford, Timothy
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Welch, David

Antosz, Jason
Bettencourt, David
Davenport, Joshua
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Devine, James
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Vita, Carol

DeLemus, Susan
Jones, Laura
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Hofemann, Roland
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1229h) failed.

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas

LaCasse, Paul Sr

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Baroody offered floor amendment (1275h).

Floor Amendment (1275h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the New Hampshire retirement system.

Amend the bill by deleting section 32 and renumbering the original sections 33-38 to read as 32-37, respectively.

Amend paragraph II of section 33 of the bill by replacing it with the following:

II. If as provided in paragraph I of this section, any phrase, clause, sentence, or provision is held contrary to the constitution of this state or of the United States, the remaining provisions of the act shall be in full force and effect as to all severable matters, and section 34 of this act shall take effect on the July 1 next following the date that the board of trustees certifies to the secretary of state and the director of legislative services of the occurrence of a final ruling on the declaration described in paragraph I.

Amend paragraph I of section 37 of the bill by replacing it with the following:

I. Section 34 of this act shall take effect as provided in section 33 of this act.

AMENDED ANALYSIS

This bill makes various changes to the state retirement system including:

I. Increasing retirement ages of group I and group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

II. Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

III. Changing the composition of the board of trustees.

IV. Eliminating the special account.

V. Increasing contribution rates.

VI. Establishing a committee to study the establishment of a voluntary defined contribution plan.

VII. Prohibiting a member in service from concurrently receiving benefits.

This bill also establishes a program allowing a state employee to refuse his or her rights as a state employee to receive state medical, dental, and retirement benefits in order to instead receive an increase in his or her base salary or wage.

Reps. Gagnon and Proulx spoke in favor.

Rep. Hawkins spoke against.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 137 NAYS 229**YEAS 137****BELKNAP**

Luther, Robert St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Hawkes, Samuel
Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Richardson, Herbert
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Gould, Franklin	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Reilly, Harold Sr	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Buxton, Michael	Campbell, David
Cote, David	Day, Russell	Gandia, Laura	Gargas, Carolyn
Garrity, Patrick	Gidge, Kenneth	Gimas, John	Goley, Jeffrey
Gorman, Mary	Graham, John	Infantine, William	Jeady, Jean
Katsiantonis, Thomas	Levasseur, Nickolas	Long, Patrick	McCarthy, Michael
McGuinness, Sean	Messier, Irene	Ober, Lynne	Ober, Russell III
Palmer, Barry	Pilotte, Maurice	Porter, Marjorie	Proulx, Mark
Ramsey, Peter	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara	Simmons, Tammy	Sullivan, Daniel	Terrio, Ross
Twombly, Timothy	Whitehead, Randall		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	MacKay, James

Owen, Derek
Rice, Chip
Soltani, Tony

Patten, Dick
Richardson, Gary
Wallner, Mary Jane

Potter, Frances
Richardson, Jon
Watrous, Rick

Reed, Dennis
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
DiPentima, Rich
Norelli, Terie
Powers, James
Schlachman, Donna

Case, Frank
Katsakiores, Phyllis
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

Copeland, Timothy
Lovejoy, Patricia
Perkins, Amy
Quandt, Matt
Sytek, John

DeSimone, Debra
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 229

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Tobin, William

Bolster, Peter
Kingsbury, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Malone, Robert
Swinford, Elaine

Fields, Dennis
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

Tremblay, Marc

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sova, Charles

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Haefner, Robert
Hikel, John
Hutchinson, Winfred

Balboni, Michael
Belvin, William
Cebrowski, John
Coffey, James
Daniels, Gary
Drisko, Richard
Gagne, Larry
Hansen, Peter
Hinch, Richard
Jasper, Shawn

Barry, J. Gail
Boehm, Ralph
Champagne, Norma
Condra, William
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Krasucki, Joseph

Barry, Richard
Brown, Kevin
Christensen, D.L. Chris
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Kurk, Neal

LeBrun, Donald
 Mecheski, Holly
 Ohm, Bill
 Pepino, Leo
 Robbins, David
 Silva, Peter
 Summers, James
 Vaillancourt, Steve

Maltz, Jonathan
 Moran, Edward
 Palmer, Stephen
 Peterson, Lenette
 Rowe, Robert
 Soucy, Connie
 Swank, Matthew
 Villeneuve, Moe

Marcus, Bruce
 Murphy, Keith
 Parison, James
 Pratt, Calvin
 Scontsas, Lisa
 Stepanek, Stephen
 Thomas, Joseph
 Warden, Mark

McClarren, Donald
 Notter, Jeanine
 Pellegrino, Tony
 Renzullo, Andrew
 Seidel, Carl
 Stroud, Kathleen
 Ulery, Jordan
 Willette, Robert

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Kidder, David
 Lindsley, Mark
 McGuire, Dan
 Smith, Molly

Coffey, Jennifer
 Hess, David
 Kotowski, Frank
 Lockwood, Priscilla
 Palfrey, David
 Smith, Todd

Cohn, Seth
 Hill, Gregory
 Kreis, Kenneth Sr
 McDonnell, John
 Sanborn, Laurie
 Winter, Steven

Cox, Sean
 Hoell, J.R.
 Lauer-Rago, Kathleen
 McGuire, Carol
 Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Headd, James
 Kappler, Lawrence
 Manuse, Andrew
 Murphy, Brian
 Packard, Sherman
 Ritter, Glenn
 Sheffert, Kenneth
 Tamburello, Daniel
 Waddell, James
 Welch, David

Allen, Mary
 Bates, David
 Charron, Gene
 Devine, James
 Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Kolodziej, Walter
 Mauro, Donna
 Nevins, Chris
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Antosz, Jason
 Bettencourt, David
 Chirichiello, Brian
 Dowling, Patricia
 Fesh, Robert
 Griffin, Mary
 Introne, Robert
 MacMahon, Bruce
 McKinney, Betsy
 O'Connor, John
 Reichard, Kevin
 Sapareto, Frank
 Smith, William
 Tremblay, Stella
 Waterhouse, Kevin

Azarian, Gary
 Birdsell, Regina
 Comerford, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Hagan, Joseph
 Itse, Daniel
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tucker, Pamela
 Webb, James

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Munck, Philip
 Pitre, Joseph

DeLemus, Susan
 Jones, Laura
 Newton, Clifford
 Vita, Carol

Domingo, Baldwin
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie

SULLIVAN

Bowers, Spec
 Laware, Thomas
 and floor amendment (1275h) failed.

Cunningham, Steven
 Osgood, Joe

Howard, Thomas
 Rodeschin, Beverly

LaCasse, Paul Sr
 Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

MOTION TO LAY ON THE TABLE

Rep. Gary Richardson moved that **HB 580-FN-L**, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement, be laid on the table.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 132 NAYS 235

**YEAS 132
 BELKNAP**

Luther, Robert

CARROLL

Knox, J. David

CHESHIREButynski, William
Hawkes, Samuel
Meador, David
Tatro, BruceCarr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, LucyChase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, CharlesEmerson, Susan
Lindsey, Steven
Sad, Tara**COOS**Coulombe, Gary
Theberge, RobertHatch, William
Thomas, YvonneMerrick, Evalyn
Tremblay, Marc

Richardson, Herbert

GRAFTONAguiar, James
Gould, Franklin
Pierce, David
White, AndrewAlmy, Susan
Harding, Laurie
Smith, SuzanneBenn, Bernard
Nordgren, Sharon
Taylor, KathleenCooney, Mary
Pastor, Beatriz
Townsend, Charles**HILLSBOROUGH**Baroody, Benjamin
Cote, David
Garrity, Patrick
Gorman, Mary
Levasseur, Nickolas
Messier, Irene
Proulx, Mark
Rosenwald, Cindy
Twombly, TimothyBrunelle, Michael
Day, Russell
Gidge, Kenneth
Infantine, William
Long, Patrick
Palmer, Barry
Ramsey, Peter
Shaw, BarbaraBuxton, Michael
Fredette, Robert
Gimas, John
Jeudy, Jean
McCarthy, Michael
Pilotte, Maurice
Rhodes, Brian
Sullivan, DanielCampbell, David
Gandia, Laura
Goley, Jeffrey
Katsiantonis, Thomas
McGuinness, Sean
Porter, Marjorie
Rokas, Ted
Terrio, Ross**MERRIMACK**Bouchard, Candace
Foose, Robert
MacKay, James
Rice, Chip
Wallner, Mary JaneCoffey, Jennifer
Frazer, June
Owen, Derek
Richardson, Gary
Watrous, RickDeloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen
Williams, RobertDeStefano, Stephen
Hamm, Christine
Potter, Frances
Soltani, Tony**ROCKINGHAM**Cali-Pitts, Jacqueline
DiPentima, Rich
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher
Webb, JamesCharron, Gene
Lovejoy, Patricia
Perkins, Amy
Quandt, Matt
Sytek, JohnCopeland, Timothy
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Waddell, JamesDeSimone, Debra
Norelli, Terie
Powers, James
Schlachman, Donna
Ward, Joanne**STRAFFORD**Berube, Roger
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, JanetBrown, Julie
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, DavidBrowne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, JudithGinsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale**SULLIVAN**

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 235**BELKNAP**Accornero, Harry
Greemore, RobertBolster, Peter
Kingsbury, RobertComtois, Guy
Malone, RobertFields, Dennis
Millham, Alida

Pilliod, James
Tilton, Franklin

Russell, David
Tobin, William

St. Cyr, Jeffrey
Worsman, Colette

Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

GRAFTON

Bradley, Lester
Ingbreton, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Ohm, Bill
Pepino, Leo
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belvin, William
Cebrowski, John
Coffey, James
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Natter, Jeanine
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Boehm, Ralph
Champagne, Norma
Condra, William
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Parison, James
Pratt, Calvin
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Barry, Richard
Brown, Kevin
Christensen, D.L. Chris
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Smith, Todd

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James

Allen, Mary
Bates, David
Case, Frank
Devine, James
Ferrante, Beverly
Gould, Kenneth

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Dowling, Patricia
Fesh, Robert
Griffin, Mary

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph

Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela

Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Tamburello, Daniel
Waterhouse, Kevin

Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Welch, David

Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Newton, Clifford
Vita, Carol

Domingo, Baldwin
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
and the motion failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Shurtleff spoke against and yielded to questions.
Rep. Hawkins spoke in favor and yielded to questions.
Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 228 NAYS 139

YEAS 228

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Russell, David
Tobin, William

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Tremblay, Marc

GRAFTON

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sorg, Gregory

Ladd, Rick Jr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen

Balboni, Michael
Belvin, William
Cebrowski, John
Coffey, James
Daniels, Gary

Barry, J. Gail
Boehm, Ralph
Champagne, Norma
Condra, William
DeJong, Cameron

Barry, Richard
Brown, Kevin
Christensen, D.L. Chris
Coughlin, Sean
Doherty, Shaun

Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Villeneuve, Moe

Drisko, Richard
Gargasz, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pepino, Leo
Robbins, David
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Warden, Mark

Erickson, Duane
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Parison, James
Pratt, Calvin
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Winter, Steven

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
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Davenport, Joshua
Fesh, Robert
Griffin, Mary
Introne, Robert
Major, Norman
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

Allen, Mary
Bates, David
Case, Frank
Devine, James
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Welch, David

STRAFFORD

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Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 139

BELKNAP

Luther, Robert

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Meador, David
Tatro, Bruce

Carr, Daniel
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Mirski, Paul
Smith, Suzanne

Almy, Susan
Eaton, Stephanie
Nordgren, Sharon
Taylor, Kathleen

Benn, Bernard
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Bradley, Lester
Harding, Laurie
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Garrity, Patrick
Gorman, Mary
Levasseur, Nickolas
Palmer, Barry
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Day, Russell
Gidge, Kenneth
Infantine, William
Long, Patrick
Pilotte, Maurice
Rhodes, Brian
Sullivan, Daniel

Buxton, Michael
Fredette, Robert
Gimas, John
Jeudy, Jean
McCarthy, Michael
Porter, Marjorie
Rokas, Ted
Twombly, Timothy

Campbell, David
Gandia, Laura
Goley, Jeffrey
Katsiantonis, Thomas
Messier, Irene
Proulx, Mark
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Smith, Todd
Williams, Robert

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Soltani, Tony

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Richardson, Jon
Wallner, Mary Jane

Foose, Robert
Lindsley, Mark
Potter, Frances
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
DiPentima, Rich
Lovejoy, Patricia
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

Charron, Gene
Dowling, Patricia
MacMahon, Bruce
Perkins, Amy
Quandt, Matt
Waddell, James

Copeland, Timothy
Ferrante, Beverly
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Ward, Joanne

DeSimone, Debra
Katsakiores, Phyllis
Norelli, Terie
Powers, James
Schlachman, Donna
Webb, James

STRAFFORD

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Brown, Julie
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Domingo, Baldwin
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

HB 83, relative to vessel registration. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Norman L. Major for the Majority of Ways and Means: This bill adds language to New Hampshire RSA 270-E:3 and requires any vessel capable of being propelled by a motor to be

registered, even if the vessel is just to be put or placed in state waters. Such waters include tidal, coastal and inland waters. Current law solely requires registration for the above described vessels operating in these waters. This bill expands a fee on the general public. This bill is at the request of the department of safety to satisfy primarily one resident who is continually calling the marine patrol to report a boat that has been "underway" and is not registered. The marine patrol has to actually see or have proof that the boat is or has been operated on public waters in order to enforce the law. The committee feels we should not be expanding fees on the general public because of an enforcement problem. Vote 14-7.

Rep. Mary R. Cooney for the Minority of Ways and Means: This simple bill would help marine patrol to enforce boat registration laws. Currently, by a trick of wording, marine patrol cannot cite boats for lack of registration if they are moored, only boats which are "operating" or actually underway. This bill would help enforcement.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Cooney spoke against.

Rep. Daugherty spoke in favor.

On a division vote, 230 members having voted in the affirmative and 111 in the negative, the majority committee report was adopted.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary S. Azarian for Ways and Means: This bill would allow off-site mitigation when on-site mitigation is either impossible or impractical. The assessment provides three distinct advantages. It saves the developer time in expediting the mitigation process, assures the protection of high value wetlands resources and adds value to real estate that would otherwise be undeveloped. There is a benefit for the state, local communities and those that own and develop real estate. Vote 21-0.

Amendment (1124h)

Amend the bill by replacing section 4 with the following:

4 Aquatic Resource Compensatory Mitigation; Effective Date. Amend 2010, 16:10, I to read as follows:

1. Sections 3, 5, and 7 of this act shall take effect July 1, [~~2012~~] **2013**.

Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Baroody declared a conflict of interest and did not participate.

SPECIAL ORDER

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for the Majority of Finance: HB 2 is the companion bill to HB 1, the budget bill. By law the budget can only contain the budget numbers and any explanatory text. Law changes needed to enable the revisions are put in HB 2. The bill as filed was the proposal sent to us by the governor. Since we published his proposal as the first draft of HB 1, it needed to be also published as supporting that document. The version before you, as with HB 1, has been extensively amended. It is also an opportunity to include House passed bills which direct the House members of the Finance Committee to follow House direction in setting the spending priorities. We have included four reductions in fees or taxes which were included in House Resolution 11. We also amended the four tax bills that we passed and then tabled, still hoping that if revenue increases, we will adopt them. Some of the amendments direct the departments where to spend the monies that we appropriate, others enable them to take some action. A study by a commission made several recommendations to the Judicial Branch to make it more efficient. That required law changes. The Dept. of Transportation contracts out about 40% of its work in plowing and paving. Some of its other functions could also be contracted out, and some of the changes in HB 2 direct this. The state had some programs for college scholarships. Some of the mechanisms for distribution were relatively inefficient, and the committee felt that scholarships were not a core function of government. So, some of these funds were used elsewhere. Our state university and community college systems had stipends from the state. They could have done more to ask their alums to contribute to their upkeep, or to make their professors teach more hours, but it was easier just to ask the state

for more money. We have made reductions in these stipends, just as we have had to tighten our belt across all functions of our society. We have made changes to the public employees' retirement and medical benefits. Both of these areas had substantial increases for the last several years. The employees have been largely protected from the increases. Changes in HB 2 ask them to increase their share in these areas. This is a reflection of public sentiment that those who supposedly work for them have it much better than those who are paying them. A recent audit of the state police revealed that in a large sample a typical state trooper only spent 7 out of a 40 hour week actually patrolling the highways. This highlights a system that needed more efficiency. Labor Department was removed from general funding. Marine patrol functions were moved to the state police. Some laboratories were combined for efficiency. State supported clinics were reduced from ten to eight. Many of the programs in Health and Human Services saw small reductions with some guidance from the department. Most of these changes were aimed at efficiency rather than reduction of services. Nearly every department of government had some reduction, and in many cases this bill needed to include language enabling the change. HB 2 is over one hundred pages; some of the typical language required is highlighted here. HB 2 and HB 1 cannot exist independently of each other. Together they make the budget for the next biennium, which will last from July 1, 2011 until June 30, 2013. The committee has balanced the budget and made changes to our government that will enable it to operate more efficiently to continue the services that the legislature has deemed appropriate for our citizens. Vote 18-7.

Rep. Robert A. Foose for the Minority of Finance: The minority of the committee cannot support HB 2 as passed. Included in the act are inappropriate changes to labor laws designed to protect collective bargaining relationships that protect public employees, abolishment of the unique program that funds scholarships and endowments of our higher education system and increased rates of contribution to the retirement system for current state employees. The act also includes the repeal or modification of a multitude of important programs, particularly in the health and human services area. The minority urges a vote of ITL.

Majority Amendment (1226h)

This amendment was printed in its entirety in House Record No. 27B, March 25, 2011 and is made part of this Journal by reference.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Campbell offered floor amendment (1238h).

Floor Amendment (1238h)

Amend the bill by inserting after section 464 the following new sections and renumbering the original section 465 to read as 467:

465 State 10-Year Transportation Improvement Plan; Capital Projects Eliminated. The following capital projects contained in the state of New Hampshire 10-year transportation improvement plan 2011-2020, adopted by 2010, 231:1, totaling \$252,000,000, are hereby eliminated due to budget reductions:

I. 2012:

Alton, project number 14121D, NH 28/Stockbridge Corner Rd intersection
Concord, project number 12004, Sewalls Falls Rd Bridge replacement
Durham- Newmarket, project number 13080, NH 108 rehabilitation & shoulders
Milford-Nashua, project number 10136, NH 101A intersection improvements
Nashua, project number 10136 A, NH 101A widening, Celina Ave-Amherst St
Walpole-Charlestown, project number 14747, NH 12 reconstruction

II. 2013:

Haverhill-Bath, project number 10436, US 302 reconstruction
Keene-Swanzey, project number 10309P, NH 9/10/12/101 multi-use trail bridge
Lebanon, project number 10034A, Mechanic Street reconstruction
Milford-Nashua, project number 10136, NH 101A intersection improvements
Plaistow-Kingston, project number 10044G, NH 125 reconstruction
Walpole-Charlestown, project number 14747, NH 12 reconstruction
Wilton-Bedford, project number 13692, NH 101 safety improvements

III. 2014:

Durham, US 4/NH 108 interchange reconfiguration
 Hinsdale-Brattleboro, project number 12210*, NH 119 bridge replacement
 Keene, project number 10309B, Winchester St reconstruction
 *Assume Hinsdale-Brattleboro starts in 2015 (red list bridges)

IV. 2015:

Barnstead-Alton, project number 14121, NH 28 rehabilitation
 Exeter, project number 14090A, Park St. bridge replacement
 Keene, project number 10309B, Winchester St. reconstruction
 Keene-Swanzey, project number 13090L, NH 12/101 interim widening
 Madison-Conway, Conway Bypass (south segment)
 Ossipee, project number 10431, NH 16 rehabilitation at NH 28 intersection
 Ossipee, project number 13910, NH 25/NH 16 intersection improvement

V. 2016:

Jefferson-Randolph, project number 13602B, US 2 reconstruction
 Madison-Conway, Conway Bypass (south segment)
 Salem, project number 12334, NH 28

VI. 2017:

Colebrook, NH 26 bridge rehabilitation over Mohawk River
 Keene-Swanzey, project number 10309J, NH 9/101 'T' int. improvements
 Littleton-Waterford*, I-93 rehabilitation, exit 41-VT (2 red list bridges)
 Madison-Conway – Conway Bypass (south segment)
 Nashua, East Hollis Street reconstruction
 *Assume Littleton-Waterford starts in 2018 (red list bridges)

VII. 2018:

Belmont-Laconia, NH 106 reconstruction south of bypass
 Madison-Conway, Conway Bypass (south segment)
 Nashua, Main Street reconstruction, Hollis St. – Orchar Ave
 Plaistow-Kingston, project number 10044E, NH 125 reconstruction

VIII. 2019:

Dummer-Errrol, NH 16 rehabilitation
 Madison-Conway – Conway Bypass (south segment)
 Plaistow-Kingston, project number 10044E, NH 125 reconstruction

IX. 2020:

Bedford, NH 101 widening from NH 114 to Wallace Rd
 Epping, NH 125 reconstruction from NH 27 to NH 87
 Jaffrey, Main Street roundabout (NH 124/US 202, "dog-leg")
 New London, NH 114, Main Street reconstruction
 Wilton-Bedford, NH 101 improvements

466 State 10-Year Transportation Improvement Plan; Betterment Projects Eliminated. The following betterment projects contained in the state of New Hampshire 10-year transportation improvement plan 2011-2020, adopted 2010, 231:1, are eliminated and the overall betterment projects within the plan, totaling \$135,000,000, are hereby eliminated due to budget reductions:

<u>Town</u>	<u>Category</u>
Amherst	Bridge Painting
Pinkhams Grant	Bridge Painting
Plainfield	Bridge Painting
Shelburne	Bridge Painting
Concord	Bridge Rehab
Dalton	Bridge Rehab
Effingham	Bridge Rehab
Errrol	Bridge Rehab
Franconia	Bridge Rehab
Littleton	Bridge Rehab
Auburn	Drainage
Alexandria	Drainage
Andover	Drainage

Bedford	Drainage
Bethlehem	Drainage
Campton	Drainage
Concord	Drainage
Danville	Drainage
Francestown	Drainage
Jefferson	Drainage
Lyndeborough	Drainage
Manchester	Drainage
Rindge	Drainage
Rochester	Drainage
Rollinsford	Drainage
Tamworth	Drainage
Ashland	Guardrail
Canaan	Guardrail
Croydon	Guardrail
Enfield	Guardrail
Hinsdale	Guardrail
Holderness	Guardrail
Jackson	Guardrail
Lisbon	Guardrail
New Boston	Guardrail
Rochester	Guardrail
Rumney	Guardrail
Somersworth	Guardrail
Strafford	Guardrail
Sunapee	Guardrail
Wilmot	Guardrail
Ashland	Highway Rehab
Canterbury	Highway Rehab
Chesterfield	Highway Rehab
Epping	Highway Rehab
Epping	Highway Rehab
Greenfield	Highway Rehab
Greens Grant	Highway Rehab
Harrisville	Highway Rehab
Hinsdale	Highway Rehab
Nelson	Highway Rehab
Newbury	Highway Rehab
Pelham	Highway Rehab
Pittsfield	Highway Rehab
Raymond	Highway Rehab
Sanbornton	Highway Rehab
Sanbornton	Highway Rehab
Stratford	Highway Rehab
Sutton	Highway Rehab
Webster	Highway Rehab
Webster	Highway Rehab
Acworth	Pavement
Alstead	Pavement
Alstead	Pavement
Alstead	Pavement
Alton	Pavement
Amherst	Pavement
Andover	Pavement
Ashland	Pavement
Barnstead	Pavement

Barrington	Pavement
Barrington	Pavement
Bartlett	Pavement
Belmont	Pavement
Benton	Pavement
Berlin	Pavement
Bethlehem	Pavement
Bethlehem	Pavement
Brentwood	Pavement
Bridgewater	Pavement
Bridgewater	Pavement
Bristol	Pavement
Brookline	Pavement
Brookline	Pavement
Brookline	Pavement
Brookline	Pavement
Charlestown	Pavement
Charlestown	Pavement
Chichester	Pavement
Chichester	Pavement
Colebrook	Pavement
Colebrook	Pavement
Colebrook	Pavement
Columbia	Pavement
Concord	Pavement
Conway	Pavement
Conway	Pavement
Cornish	Pavement
Dalton	Pavement
Danville	Pavement
Dixville	Pavement
Dover	Pavement
Dover	Pavement
Dover	Pavement
Dublin	Pavement
Dublin	Pavement
Dunbarton	Pavement
Durham	Pavement
Durham	Pavement
Easton	Pavement
Easton	Pavement
Epping	Pavement
Exeter	Pavement
Franconia	Pavement
Gilford	Pavement
Gilford	Pavement
Gilmanton	Pavement
Goffstown	Pavement
Goshen	Pavement
Grantham	Pavement
Greenland	Pavement
Hampstead	Pavement
Hancock	Pavement
Hancock	Pavement
Harrisville	Pavement
Harts Location	Pavement
Harts Location	Pavement

Harts Location	Pavement
Haverhill	Pavement
Hillsborough	Pavement
Holderness	Pavement
Hollis	Pavement
Hollis	Pavement
Keene	Pavement
Laconia	Pavement
Langdon	Pavement
Langdon	Pavement
Langdon	Pavement
Lee	Pavement
Lee	Pavement
Lempster	Pavement
Lincoln	Pavement
Lincoln	Pavement
Littleton	Pavement
Littleton	Pavement
Loudon	Pavement
Lyme	Pavement
Lyme	Pavement
Lyndeborough	Pavement
Madbury	Pavement
Madbury	Pavement
Marlow	Pavement
Milford	Pavement
Milford	Pavement
Milford	Pavement
Mont Vernon	Pavement
Mont Vernon	Pavement
Moultonborough	Pavement
New Boston	Pavement
New London	Pavement
New London	Pavement
Newmarket	Pavement
Newmarket	Pavement
Newmarket	Pavement
Newport	Pavement
Newport	Pavement
Newton	Pavement
Newton	Pavement
Newton	Pavement
Newton	Pavement
Pelham	Pavement
Piermont	Pavement
Pittsfield	Pavement
Plainfield	Pavement
Plaistow	Pavement
Plymouth	Pavement
Rochester	Pavement
Rollinsford	Pavement
Rye	Pavement
Rye	Pavement
Rye	Pavement
Salem	Pavement
Sanbornton	Pavement
Sandwich	Pavement

Sandwich	Pavement
Somersworth	Pavement
South Hampton	Pavement
Springfield	Pavement
Springfield	Pavement
Strafford	Pavement
Surry	Pavement
Surry	Pavement
Sutton	Pavement
Swanzy	Pavement
Swanzy	Pavement
Swanzy	Pavement
Swanzy	Pavement
Tamworth	Pavement
Temple	Pavement
Tilton	Pavement
Tilton	Pavement
Tilton	Pavement
Unity	Pavement
Walpole	Pavement
Warner	Pavement
Warner	Pavement
Warren	Pavement
Weare	Pavement
Webster	Pavement
Whitefield	Pavement
Whitefield	Pavement
Wilmot	Pavement
Wilton	Pavement
Wilton	Pavement
Wilton	Pavement
Winchester	Pavement
Winchester	Pavement
Windsor	Pavement
Wolfeboro	Pavement
Woodstock	Pavement
Woodstock	Pavement
Barrington	Safety
Bristol	Safety
Brookline	Safety
Durham	Safety
Hudson	Safety
Madbury	Safety
North Hampton	Safety
Pelham	Safety
Whitefield	Safety

AMENDED ANALYSIS

153. Deletes capital projects from the 2011-2020 state 10-year transportation improvement plan totaling \$252,000,000.

154. Deletes betterment projects from the 2011-2020 state 10-year transportation improvement plan totaling \$135,000,000.

Rep. Campbell spoke in favor and yielded to questions.

Rep. Chandler spoke against.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 7 NAYS 348**YEAS 7
BELKNAP**

None

CARROLL

Knox, J. David

CHESHIRE

Roberts, Kris

COOS

None

GRAFTON

None

HILLSBOROUGH

Day, Russell

Infantine, William

Messier, Irene

MERRIMACK

None

ROCKINGHAM

None

STRAFFORD

Brown, Julie

SULLIVAN

Laware, Thomas

NAYS 348**BELKNAP**Accornero, Harry
Greemore, Robert
Millham, Alida
Swinford, ElaineBolster, Peter
Kingsbury, Robert
Pilliod, James
Tilton, FranklinComtois, Guy
Luther, Robert
Russell, David
Tobin, WilliamFields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette**CARROLL**Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, KarenBabson, David Jr
McConkey, Mark
Scala, DinoChandler, Gene
Merrow, Harry
Schmidt, StephenFleck, Joseph
Patten, Betsey
Tregenza, Norman**CHESHIRE**Butynski, William
Chase, Cynthia
Johnsen, Gladys
Meader, David
Sad, Tara
Weed, CharlesByrnes, John
Emerson, Susan
Johnson, Jane
Moore, Charles
Smith, EdwinCarr, Daniel
Hawkes, Samuel
Lerandeau, Alfred
Moore, Robert Jr
Sterling, Franklin JrCartwright, Anne
Hunt, John
Lindsey, Steven
Parkhurst, Henry
Tatro, Bruce**COOS**Coulombe, Gary
Rappaport, Laurence
Tholl, John JrDaugherty, Duffy
Remick, William
Thomas, YvonneHatch, William
Richardson, Herbert
Tremblay, MarcMerrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Bulis, Lyle
Gould, Franklin
Mirski, Paul
Reilly, Harold Sr
Sova, Charles

Almy, Susan
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Simard, Paul
Taylor, Kathleen

Benn, Bernard
Eaton, Stephanie
Ingbretson, Paul
Pastor, Beatriz
Smith, Suzanne
Townsend, Charles

Bradley, Lester
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Sorg, Gregory
White, Andrew

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Campbell, David
Coffey, James
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Garrity, Patrick
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Hopper, Gary
Katsiantonis, Thomas
Levasseur, Nickolas
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pilotte, Maurice
Ramsey, Peter
Rokas, Ted
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brunelle, Michael
Cebrowski, John
Condra, William
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Long, Patrick
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Porter, Marjorie
Renzullo, Andrew
Rosenwald, Cindy
Silva, Peter
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

Baroody, Benjamin
Belvin, William
Burt, John
Champagne, Norma
Cote, David
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Gimas, John
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Kurk, Neal
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Pratt, Calvin
Rhodes, Brian
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christensen, D.L. Chris
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Judy, Jean
LeBrun, Donald
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Proulx, Mark
Robbins, David
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Frazer, June
Hill, Gregory
Lindsley, Mark
McGuire, Dan
Potter, Frances
Richardson, Jon
Smith, Molly
Watrous, Rick

Bouchard, Candace
Deloge, Helen
Gile, Mary
Kotowski, Frank
Lockwood, Priscilla
Owen, Derek
Reed, Dennis
Sanborn, Laurie
Smith, Todd
Williams, Robert

Coffey, Jennifer
DeStefano, Stephen
Giuda, J. Brandon
Kreis, Kenneth Sr
McDonnell, John
Palfrey, David
Rice, Chip
Seaworth, G. Brian
Soltani, Tony
Winter, Steven

Cohn, Seth
Foosse, Robert
Hamm, Christine
Lauer-Rago, Kathleen
McGuire, Carol
Patten, Dick
Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Elliott, Robert
Garrity, James
Headd, James

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
DiPentima, Rich
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel

Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
Norelli, Terie
Pantelakos, Laura
Quandt, Marshall
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Katsakiores, Phyllis
Major, Norman
McMahon, Charles
O'Connor, John
Perkins, Amy
Quandt, Matt
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Kolodziej, Walter
Manuse, Andrew
Moody, Marcia
Okerman, Richard
Perkins, Lawrence
Read, Robin Jr
Ritter, Glenn
Sedensky, John
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Lovejoy, Patricia
Mauro, Donna
Murphy, Brian
Packard, Sherman
Powers, James
Reagan, John
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Hofemann, Roland
Kaen, Naida
Munck, Philip
Pelletier, Marsha
Spainhower, Dale
Vita, Lucien

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Keane, Sandra
Newton, Clifford
Pitre, Joseph
Spang, Judith
Wall, Janet

Browne, Brendon
Grassie, Anne
Jones, Kyle
Larsen, Kirsten
O'Connor, William
Roberts, Jenna
Sprague, Dale
Watters, David

DeLemus, Susan
Groen, Warren
Jones, Laura
Leonard, Frederick Jr
Parsons, Robbie
Schmidt, Peter
Vita, Carol

SULLIVAN

Bowers, Spec
Howard, Thomas
Rodeschin, Beverly
and floor amendment (1238h) failed.

Cloutier, John
LaCasse, Paul Sr
Schmidt, Andrew

Cunningham, Steven
Lefebvre, Benjamin
Smith, Steven

Gagnon, Raymond
Osgood, Joe

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Nordgren offered floor amendment (1259h).

Floor Amendment (1259h)

Amend the bill by deleting sections 372 through 421.

AMENDED ANALYSIS

Delete paragraph 121.

Rep. Nordgren spoke in favor and yielded to questions.

Rep. Kurk spoke against.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 118 NAYS 242

YEAS 118

BELKNAP

Bolster, Peter

Pilliod, James

Russell, David

St. Cyr, Jeffrey

CARROLL

Scala, Dino

CHESHIRE

Butynski, William
Hawkes, Samuel
Lindsey, Steven
Sad, Tara

Carr, Daniel
Johnsen, Gladys
Meador, David
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Emerson, Susan
Lerandean, Alfred
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Richardson, Herbert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Gonzalez, Carlos
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Messier, Irene
Ramsey, Peter
Sullivan, Daniel

Campbell, David
Gidge, Kenneth
Judy, Jean
Moran, Edward
Rhodes, Brian

Cote, David
Goley, Jeffrey
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Watrous, Rick

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Soltani, Tony

Foose, Robert
MacKay, James
Rice, Chip
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
DeSimone, Debra
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

Charron, Gene
DiPentima, Rich
Norelli, Terie
Powers, James

Chirichiello, Brian
Dowling, Patricia
Pantelakos, Laura
Read, Robin Jr

Copeland, Timothy
Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hofemann, Roland
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 242**BELKNAP**

Accornero, Harry
Kingsbury, Robert
Swinford, Elaine

Comtois, Guy
Luther, Robert
Tilton, Franklin

Fields, Dennis
Malone, Robert
Tobin, William

Greemore, Robert
Millham, Alida
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Moore, Charles

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbreton, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belvin, William
Buxton, Michael
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Barry, Richard
Brown, Kevin
Champagne, Norma
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Devine, James
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Allen, Mary
Bates, David
Case, Frank
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Osgood, Joe	Rodeschin, Beverly	Smith, Steven

and floor amendment (1259h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Nordgren offered floor amendment (1260h).

Floor Amendment (1260h)

Amend the bill by deleting section 450.

AMENDED ANALYSIS

Delete paragraph 141.

Rep. Potter spoke in favor.

Rep. Kurk spoke against and yielded to questions.

Rep. Rosenwald requested a roll call; sufficiently seconded.

YEAS 104 NAYS 255**YEAS 104****BELKNAP**

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Hawkes, Samuel
Johnsen, Gladys	Lerandean, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Judy, Jean	Katsiantonis, Thomas	Long, Patrick	Messier, Irene
Pilotte, Maurice	Porter, Marjorie	Ramsey, Peter	Rhodes, Brian
Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara	Sullivan, Daniel

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Lockwood, Priscilla
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Katsakiores, Phyllis	Lovejoy, Patricia
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Perkins, Amy
Perkins, Lawrence	Powers, James	Read, Robin Jr	Schlachman, Donna
Serlin, Christopher			

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Brown, Julie
Hofemann, Roland
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 255**BELKNAP**

Accornero, Harry
Greemore, Robert
Pilliod, James
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Russell, David
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter

Balboni, Michael
Belvin, William
Buxton, Michael
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClaren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scontsas, Lisa
Soucy, Connie

Barry, Richard
Brown, Kevin
Champagne, Norma
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen

Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Summers, James
Ulery, Jordan
Whitehead, Randall

Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenkemper, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Major, Norman
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Newton, Clifford
Vita, Carol

Domingo, Baldwin
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1260h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Goley offered floor amendment (1267h).

Floor Amendment (1267h)

Amend the bill by deleting section 462.

2011-1267h

AMENDED ANALYSIS

Delete paragraph 150.

Reps. Weyler and Jasper spoke against and yielded to questions.

Reps. Dan McGuire and Kurk spoke against.

Reps. Weed and Baroody spoke in favor and yielded to questions.

Reps. Soltani and Copeland spoke in favor.

Rep. Weed requested a roll call; sufficiently seconded.

YEAS 155 NAYS 201**YEAS 155
BELKNAP**

Bolster, Peter

St. Cyr, Jeffrey

CARROLL

Knox, J. David

Schmidt, Stephen

CHESHIREButynski, William
Johnsen, Gladys
Meador, David
Sad, Tara
Weber, LucyCarr, Daniel
Johnson, Jane
Moore, Robert Jr
Smith, Edwin
Weed, CharlesChase, Cynthia
Lerandeau, Alfred
Parkhurst, Henry
Sterling, Franklin JrHawkes, Samuel
Lindsey, Steven
Roberts, Kris
Tatro, Bruce**COOS**Coulombe, Gary
Richardson, HerbertHatch, William
Theberge, RobertMerrick, Evalyn
Tremblay, Marc

Remick, William

GRAFTONAguiar, James
Gould, Franklin
Pastor, Beatriz
Townsend, CharlesAlmy, Susan
Harding, Laurie
Pierce, David
White, AndrewBenn, Bernard
Ladd, Rick Jr
Smith, SuzanneCooney, Mary
Nordgren, Sharon
Taylor, Kathleen**HILLSBOROUGH**Baroody, Benjamin
Campbell, David
Gandia, Laura
Goley, Jeffrey
Greazzo, Phil
McCarthy, Michael
Pepino, Leo
Ramsey, Peter
Shaw, Barbara
Twombly, TimothyBrown, Kevin
Cote, David
Gargas, Carolyn
Gonzalez, Carlos
Judy, Jean
McGuinness, Sean
Pilotte, Maurice
Rhodes, Brian
Simmons, Tammy
Whitehead, RandallBrunelle, Michael
Day, Russell
Garrity, Patrick
Gorman, Mary
Katsiantonis, Thomas
Ober, Russell III
Porter, Marjorie
Rokas, Ted
Stroud, KathleenBuxton, Michael
Doherty, Shaun
Gidge, Kenneth
Graham, John
Long, Patrick
Palmer, Barry
Proulx, Mark
Rosenwald, Cindy
Sullivan, Daniel**MERRIMACK**Bouchard, Candace
Foose, Robert
Kidder, David
Patten, Dick
Richardson, Gary
Soltani, TonyCoffey, Jennifer
Frazer, June
Lockwood, Priscilla
Potter, Frances
Richardson, Jon
Wallner, Mary JaneDeloge, Helen
Gile, Mary
MacKay, James
Reed, Dennis
Shurtleff, Stephen
Watrous, RickDeStefano, Stephen
Hamm, Christine
Palfrey, David
Rice, Chip
Smith, Todd**ROCKINGHAM**Bates, David
Copeland, Timothy
Ferrante, Beverly
Moody, Marcia
Perkins, Amy
Quandt, Matt
Sytek, JohnCali-Pitts, Jacqueline
DiPentima, Rich
Katsakiores, Phyllis
Nevins, Chris
Perkins, Lawrence
Read, Robin Jr
Waddell, JamesCharron, Gene
Dowling, Patricia
Lovejoy, Patricia
Norelli, Terie
Powers, James
Schlachman, Donna
Ward, JoanneChirichiello, Brian
Elliott, Robert
MacMahon, Bruce
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher
Webb, James**STRAFFORD**Berube, Roger
Grassie, AnneBrown, Julie
Hofemann, RolandBrowne, Brendon
Horrigan, TimothyDomingo, Baldwin
Kaen, Naida

Keans, Sandra
Schmidt, Peter
Wall, Janet

Munck, Philip
Spainhower, Dale
Watters, David

Pelletier, Marsha
Spang, Judith

Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 201

BELKNAP

Accornero, Harry
Kingsbury, Robert
Pilliod, James
Tobin, William

Comtois, Guy
Luther, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Bymes, John
Moore, Charles

Cartwright, Anne

Emerson, Susan

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Burt, John
Coffey, James
Daniels, Gary
Erickson, Duane
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Pellegrino, Tony
Robbins, David
Silva, Peter
Swank, Matthew
Villeneuve, Moe

Balboni, Michael
Belanger, James
Cebrowski, John
Condra, William
DeJong, Cameron
Flanagan, Jack
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Mecheski, Holly
Notter, Jeanine
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Thomas, Joseph
Warden, Mark

Ball, J. Michael
Belvin, William
Champagne, Norma
Coughlin, Sean
Donovan, Daniel
Fredette, Robert
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
Messier, Irene
Ohm, Bill
Pratt, Calvin
Scontsas, Lisa
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

Barry, J. Gail
Boehm, Ralph
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Drisko, Richard
Gagne, Larry
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Summers, James
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Smith, Molly

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Winter, Steven

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Sanborn, Laurie

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bettencourt, David	Birdsell, Regina	Brown, Paul
Case, Frank	Comerford, Timothy	Davenport, Joshua	DeSimone, Debra
Devine, James	Duarte, Joe	Fesh, Robert	Garcia, Marilinda
Garrity, James	Gould, Kenneth	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Kolodziej, Walter	Major, Norman	Manuse, Andrew
Mauro, Donna	McKinney, Betsy	McMahon, Charles	Murphy, Brian
O'Connor, John	Okerman, Richard	Packard, Sherman	Reagan, John
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sapareto, Frank	Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Sullivan, James	Tamburello, Daniel	Tasker, Kyle
Tremblay, Stella	Tucker, Pamela	Waterhouse, Kevin	Welch, David
Weyler, Kenneth			

STRAFFORD

Andolina, Donald	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen, Kirsten	Leonard, Frederick Jr	Newton, Clifford
O'Connor, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Vita, Lucien			

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Osgood, Joe	Rodeschin, Beverly	
and floor amendment (1267h) failed.			

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Bouchard offered floor amendment (1242h).

Floor Amendment (1242h)

Amend the bill by deleting section 102.

AMENDED ANALYSIS

Delete paragraph 50.

Rep. Bouchard spoke in favor.

Rep. Campbell requested a roll call; sufficiently seconded.

YEAS 100 NAYS 245**YEAS 100
BELKNAP**

Bolster, Peter	Tilton, Franklin
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Knox, J. David

CARROLL**CHESHIRE**

Butynski, William	Carr, Daniel	Chase, Cynthia	Hawkes, Samuel
Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin
Goley, Jeffrey
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Gorman, Mary
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Cote, David
Infantine, William
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Day, Russell
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Mackay, James
Richardson, Gary

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
Kidder, David
Rice, Chip
Watrous, Rick

ROCKINGHAM

Call-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Brown, Julie
Hofemann, Roland
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 245**BELKNAP**

Accornero, Harry
Kingsbury, Robert
Pilliod, James
Tobin, William

Comtois, Guy
Luther, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Greemore, Robert
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard

Balboni, Michael
Belanger, James

Ball, J. Michael
Belvin, William

Barry, J. Gail
Boehm, Ralph

Brown, Kevin
 Champagne, Norma
 Coughlin, Sean
 Doherty, Shaun
 Flanagan, Jack
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Jasper, Shawn
 Maltz, Jonathan
 Mecheski, Holly
 Ober, Lynne
 Palmer, Stephen
 Renzullo, Andrew
 Seidel, Carl
 Stepanek, Stephen
 Thomas, Joseph
 Villeneuve, Moe

Burt, John
 Christensen, D.L. Chris
 Cusson-Cail, Kathleen
 Donovan, Daniel
 Fredette, Robert
 Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Krasucki, Joseph
 Marcus, Bruce
 Moran, Edward
 Ober, Russell III
 Pellegrino, Tony
 Robbins, David
 Silva, Peter
 Stroud, Kathleen
 Twombly, Timothy
 Warden, Mark

Buxton, Michael
 Coffey, James
 Daniels, Gary
 Drisko, Richard
 Gagne, Larry
 Haefner, Robert
 Hikel, John
 Hopper, Gary
 Kurk, Neal
 McCarthy, Michael
 Murphy, Keith
 Ohm, Bill
 Peterson, Lenette
 Rowe, Robert
 Simmons, Tammy
 Summers, James
 Ulery, Jordan
 Whitehead, Randall

Cebrowski, John
 Condra, William
 DeJong, Cameron
 Erickson, Duane
 Gargas, Carolyn
 Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 LeBrun, Donald
 McGuinness, Sean
 Notter, Jeanine
 Palmer, Barry
 Pratt, Calvin
 Scontsas, Lisa
 Soucy, Connie
 Swank, Matthew
 Vaillancourt, Steve
 Willette, Robert

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Kotowski, Frank
 McDonnell, John
 Reed, Dennis
 Smith, Molly

Coffey, Jennifer
 Hess, David
 Kreis, Kenneth Sr
 McGuire, Carol
 Richardson, Jon
 Smith, Todd

Cohn, Seth
 Hill, Gregory
 Lauer-Rago, Kathleen
 McGuire, Dan
 Sanborn, Laurie
 Soltani, Tony

Cox, Sean
 Hoell, J.R.
 Lindsley, Mark
 Palfrey, David
 Seaworth, G. Brian
 Winter, Steven

ROCKINGHAM

Abraimi, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Comerford, Timothy
 Devine, James
 Ferrante, Beverly
 Gould, Kenneth
 Introne, Robert
 Kolodziej, Walter
 Mauro, Donna
 O'Connor, John
 Quandt, Marshall
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Waterhouse, Kevin

Allen, Mary
 Bates, David
 Case, Frank
 Copeland, Timothy
 Dowling, Patricia
 Fesh, Robert
 Griffin, Mary
 Itse, Daniel
 MacMahon, Bruce
 McMahon, Charles
 Okerman, Richard
 Quandt, Matt
 Ritter, Glenn
 Sheffert, Kenneth
 Sytek, John
 Tucker, Pamela
 Webb, James

Antosz, Jason
 Bettencourt, David
 Charron, Gene
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Kappler, Lawrence
 Major, Norman
 Murphy, Brian
 Packard, Sherman
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tamburello, Daniel
 Waddell, James
 Welch, David

Azarian, Gary
 Birdsell, Regina
 Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Manuse, Andrew
 Nevins, Chris
 Perkins, Amy
 Reichard, Kevin
 Sapareto, Frank
 Smith, William
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Jones, Laura
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie

Jones, Kyle
 Munck, Philip
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Laware, Thomas
 and floor amendment (1242h) failed.

Cunningham, Steven
 Osgood, Joe

Howard, Thomas
 Rodeschin, Beverly

LaCasse, Paul Sr
 Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Foose offered floor amendment (1271h).

Floor Amendment (1271h)

Amend the bill by replacing sections 167 through 205 with the following:

167 Retirement System; Employer Contributions; Non-State Employees; State Share Eliminated. Amend RSA 100-A:16, II(b) and (c) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that *beginning with state fiscal year 2012 and for each state fiscal year thereafter*, any employer[, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided that, in the case of compensation attributable to extra or special duty, the employer] shall pay the full amount of such total contributions[; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions]. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that *beginning with state fiscal year 2012 and for each state fiscal year thereafter*, [in the case of teachers,] any employer[, other than the state, shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided further that in case of teacher members employed by the state the state] shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in subparagraphs (h) and (i).

168 Retiree Medical Benefits; Beneficiary Contributions Increased. Amend RSA 100-A:54, III to read as follows:

III. The retirement system shall *either* deduct from the monthly retirement allowance of retired state employees under the age of 65 years receiving medical and surgical benefits provided pursuant to RSA 21-I:30, *or notify the department of administrative services, which shall invoice and collect from the retired state employees*, the premium contribution amounts of ~~[\$65]~~ *\$100* per month for each such retiree and ~~[\$65]~~ *\$100* per month for each applicable spouse; provided that the charge to each household shall not exceed ~~[\$130]~~ *\$200* per month. ~~[Deducted]~~ *Amounts deducted or received upon invoicing*, [which] shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, *and* shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree the remaining contribution amount. *For any retired state employee who fails to pay in full within 90 days of receipt of an invoice for such contribution amount, the department of administrative services shall terminate coverage for the retired state employee and notify the retirement system of such termination.*

169 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For [aH] members **who commenced service prior to July 1, 2011** the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) *For members who commenced service on and after July 1, 2011 the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall exclude accumulated unused holiday pay, vacation pay, and sick pay, and longevity pay and severance pay, and shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limits shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exception of disability related pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6.*

170 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean, *for members who commenced service before July 1, 2011*, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. *For members who commenced service on or after July 1, 2011, "average final compensation" shall mean the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years.*

171 Financing; Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Employees of employers other than the state *hired on or before June 30, 2011*, 5.00

Employees of the state hired on or before June 30, 2009, 5.00

Employees of the state hired after June 30, 2009, 7.00

Teachers *hired on or before June 30, 2011*, 5.00

Permanent Policemen *hired on or before June 30, 2011*, 9.30

Permanent Firemen *hired on or before June 30, 2011*, 9.30

Group I members hired after June 30, 2011, 7.00

Group II members hired after June 30, 2011, 11.30

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members with creditable service in excess of 40 years, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member with creditable service in excess of 40 years, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

172 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II *who commenced service before July 1, 2011*, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, *and any group II member who commenced service on or after July 1, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age.*

173 Service Retirement; Group II. Amend RSA 100-A:5 to read as follows:

100-A:5 Service Retirement Benefits.

I. Group I Members.

(a) Any group I member, **who** may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained age 60 **if the member commenced service before July 1, 2011 or age 65 if the member commenced service on or after July 1, 2011**, and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year.

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service.

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has either completed at least 20 years of creditable service which, when combined with his age equals at least 70 years, or who has attained the age of 50, but not the age of 60 **if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011**, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age **if the member commenced service before July 1, 2011 or 65 years of age if the member commenced service on or after July 1, 2011**, by 1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

(d) [Repealed.]

II. Group II Members.

(a) Any group II member in service, **who commenced service before July 1, 2011**, who has attained age 45 and completed 20 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service, **and a group II member who commenced service on or after July 1, 2011, who has attained age 50 and completed 25 years of creditable service, or who has attained age 65 regardless of the number of years of creditable service**, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his **or her** accumulated contributions at the time of retirement; and

(2) A state annuity which, together with his **or her** member annuity, shall be equal to 2-1/2 percent of his **or her** average final compensation multiplied by the number of years of his **or her** creditable service not in excess of 40 years.

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who **commenced service before July 1, 2011 and** has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, **and any group II member who commenced service on or after July 1, 2011 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service**,

shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

174 Disability Retirement; Group I Age Increased. Amend RSA 100-A:6, I(b) to read as follows:

(b)(1) Upon ordinary disability retirement, the group I member who has attained age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011*** shall receive an ordinary disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(C) Regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his ***or her*** disability retirement.

(2) Upon ordinary disability retirement, the group I member who has not attained age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011*** shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement; and a state annuity which, together with the member annuity, shall be equal to 1.5 percent of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at that time of his ordinary disability retirement. However, regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his ***or her*** disability retirement.

175 Accidental Disability Retirement; Group I. Amend RSA 100-A:6, I(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group I member who has attained age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011*** shall receive an accidental disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(C) Regardless of age at disability, such allowance shall not be less than 50 percent of the member's average final compensation at the time of his accidental disability retirement.

(2) Upon accidental disability retirement, the group I member who has not attained age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011*** shall receive an accidental disability retirement allowance which shall consist of: the member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement; and a state annuity which, together with the member annuity, shall be equal to 50 percent of the member's average final compensation at the time of his disability retirement.

176 Vested Deferred; Group II Age Increased. Amend RSA 100-A:10, II(b) to read as follows:

(b) *For members who commenced service before July 1, 2011*, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, *or for members who commenced service after June 30, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed*, or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

177 Return of Contributions. Amend RSA 100-A:11, I(c) to read as follows:

(c) Upon the death of a group I member who has elected, pursuant to RSA 100-A:10, to receive a vested deferred retirement allowance before his *or her* attainment of age 60 *if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011*, the amount of his accumulated contributions at the time of his *or her* death shall be paid to the person or persons, if any, nominated by ~~[him]~~ *the member*, if living, otherwise to the member's estate.

178 Split Benefits; Minimum Age. Amend RSA 100-A:19-b to read as follows:

100-A:19-b Minimum Age. For the purposes of this subdivision only, minimum age shall mean:

I. For a member who has completed less than 20 years combined creditable service in both group I and group II, 60 years *if the member commenced service before July 1, 2011 or 65 years if the member commenced service or after July 1, 2011*.

II. For a member *who commenced service before July 1, 2011 and*, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years. *For a member who commenced service on or after July 1, 2011 and, who has completed 25 or more years of combined creditable service, one year shall be deducted from age 65 for each year of creditable group II service, provided that the age shall not be less than 50 years.*

179 Split Benefits; Reduced Early Retirement; Minimum Age. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 *for members who commenced group II service prior to July 1, 2011 or at least 50 for members who commenced group II service on or after July 1, 2011* and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

180 State Employees; Retirement. Amend RSA 21-I:30, II(a) to read as follows:

(a) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003, and who also is at least 60 years of age at the time of retirement *if the employee commenced service before July 1, 2011 or at least 65 years of age at the time of retirement if the employee commenced services on or after July 1, 2011*; or
Amend section 465 of the bill by deleting paragraph VII

AMENDED ANALYSIS

64. Makes various changes to the state retirement system for beginning July 1, 2011, including:

(a) Increasing retirement ages of group I and group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

(b) Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

(c) Increasing certain group I and group II retirement system member contribution rates.

(d) Eliminating the state share of retirement system employer contributions for group I and group II members not employed by the state.

(e) Increasing the monthly contribution for medical benefits paid by retired state employees under age 65.

Rep. Pierce spoke in favor and yielded to questions.

Rep. Hawkins spoke against.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 108 NAYS 233

YEAS 108

BELKNAP

None

CARROLL

Knox, J. David

Scala, Dino

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Gould, Franklin
Pierce, David
White, Andrew

Benn, Bernard
Harding, Laurie
Smith, Suzanne

Bradley, Lester
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Day, Russell
Gorman, Mary
McCarthy, Michael
Ramsey, Peter
Shaw, Barbara

Buxton, Michael
Garrity, Patrick
Judy, Jean
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Gidge, Kenneth
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Kidder, David
Rice, Chip

Frazer, June
MacKay, James
Richardson, Gary

ROCKINGHAM

Call-Pitts, Jacqueline
Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

Copeland, Timothy
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Powers, James
Webb, James

Dowling, Patricia
Pantelakos, Laura
Read, Robin Jr

STRAFFORD

Brown, Julie
Grassie, Anne

Browne, Brendon
Hofemann, Roland

Domingo, Baldwin
Horrigan, Timothy

Ginsburg, Philip
Kaen, Naida

Keans, Sandra
Spainhower, Dale
Watters, David

Pelletier, Marsha
Spang, Judith

Roberts, Jenna
Sprague, Dale

Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 233

BELKNAP

Accornero, Harry
Kingsbury, Robert
Pilliod, James
Tobin, William

Comtois, Guy
Luther, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Greemore, Robert
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark
Schmidt, Stephen

Babson, David Jr
Merrow, Harry
Tregenza, Norman

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

Tremblay, Marc

GRAFTON

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Coffey, James
Daniels, Gary
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belanger, James
Burt, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belvin, William
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Foosse, Robert

Coffey, Jennifer
Giuda, J. Brandon

Cohn, Seth
Hess, David

Cox, Sean
Hill, Gregory

Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Davenport, Joshua
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Antosz, Jason
Bettencourt, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Packard, Sherman
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1271h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Rosenwald offered floor amendment (1273h).

Floor Amendment (1273h)

Amend the bill by replacing sections 36-41 with the following:

34 Uncompensated Care Fund. Amend RSA 167:64, I to read as follows:

I. There is hereby established in the state treasury an uncompensated care fund which shall consist of the moneys collected pursuant to RSA 84-A. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner is authorized to expend these funds, together with matching federal funds, as follows:

(a) No less than ~~[50]~~ **40** percent of the moneys paid into the fund shall be utilized to support uncompensated care in hospitals in accordance with rules adopted by the commissioner, pursuant to RSA 541-A.

(b) The commissioner is hereby authorized and directed to develop and implement, *in connection with the payment by the state to hospitals for reimbursement of uncompensated care costs for state fiscal year 2012 and thereafter*, a schedule of payments for reimbursement of the uncompensated care costs of those hospitals that are subject to the tax liability imposed under RSA 84-A and that participate in the state Medicaid program. *The reimbursement of uncompensated care costs paid in state fiscal year 2012 and each year thereafter shall be in accordance with the* schedule of payments to hospitals ~~[shall]~~ *that take effect on [January] or before July 1, 2011, subject to the* prior review and approval of ~~[the fiscal committee of the general court and]~~ the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that ~~[-(i) reduces to the greatest extent practicable the disproportionate impact among hospitals of uncompensated care costs; (ii)~~

permits maximum available federal financial participation for these payments in accordance with Title XIX of the Social Security Act; and (iii) is consistent with all federal laws and regulations governing Title XIX disproportionate share hospital payment adjustments and permissible sources of state financial participation as provided for under 42 C.F.R. part 433 **and all other applicable federal regulations.**

(c) For purposes of this section, uncompensated care costs shall include: charity care costs, any portion of Medicaid patient care costs that are unreimbursed by Medicaid payments, and any portion of bad debt costs that the commissioner determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act.

(d) The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid fee for service rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof. Funds available under this section shall be [first] allocated [to ensure that critical access hospitals and rehabilitation hospitals receive reimbursement for reported uncompensated care costs at the rate of 100 percent of the individual hospital limit for disproportionate share payments] as determined by the commissioner consistent with the provisions of 42 U.S.C. section 1396r-4(g). [Non-critical access hospitals shall receive reimbursement at the highest uniform percentage of each hospital limit as the funds made available under this section permit.] The commissioner may create additional categories of need and make further reasonable distinctions among hospitals when determining the methodology for payments under this section, as necessary, to ensure that no hospital is unduly burdened by the fiscal effect of uncompensated care costs.

(e) One percent of the payments made from the class lines in the budget of the office of the commissioner, department of health and human services, entitled "hospital disproportionate share," "New Hampshire hospital disproportionate share," and "hospital uncompensated care pool" shall be placed in a separate class line reserved for the expenses of the department in administering this subdivision.

(f) For fiscal year 2012 and every fiscal year thereafter, 10 percent of the revenue collected under RSA 84-A shall be made available to the department of health and human services to support medical provider payments and shall not be paid into the general fund.

35 Uncompensated Care Fund; Duties of the Commissioner. Amend RSA 167:65, II and III to read as follows:

II. Seek input from the [chairman of the] senate health and human services committee, the [chairman of the] house health, human services and elderly affairs committee, the [chairmen of the] house and senate finance committees, the insurance department, and [representatives of] from the hospitals currently participating in the uncompensated care program [in developing] during the development of the uncompensated care payment system required under paragraph I, and present a report [detailing all the options and making recommendations] describing the proposed payment system to the oversight committee on health and human services, established under RSA 126-A:13, [not later than January 1, 2010] prior to the payments being made.

III. Submit the Medicaid state plan amendment and an estimate of the fiscal impact of such plan amendment to the fiscal committee of the general court for its review [and approval] prior to submission of the plan amendment to the federal Centers for Medicare and Medicaid Services and implementation of the plan.

AMENDED ANALYSIS

28. Clarifies the allocation and use of the moneys in the uncompensated care fund.
Reps. Kappler and Kurk spoke against.
Rep. Rosenwald spoke in favor and requested a roll call; sufficiently seconded.

YEAS 100 NAYS 242

**YEAS 100
BELKNAP**

Accornero, Harry

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Lerandeau, Alfred
Sad, Tara

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Hawkes, Samuel
Meador, David
Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Gorman, Mary
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Garrity, Patrick
Jeu, Jean
Ramsey, Peter
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Cote, David
Goley, Jeffrey
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Palfrey, David
Richardson, Gary

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Powers, James

Dowling, Patricia
Pantelakos, Laura
Read, Robin Jr

Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

STRAFFORD

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hofemann, Roland
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horriggan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

NAYS 242**BELKNAP**

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Pilliod, James
Tilton, Franklin

Kingsbury, Robert
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbreton, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Scoutsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Burt, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Ober, Lynne
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Buxton, Michael
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Robbins, David
Silva, Peter
Summers, James
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenkaker, Lynne
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Quandt, Marshall
Rice, Frederick

Allen, Mary
Bettencourt, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Quandt, Matt
Ritter, Glenn

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Reagan, John
Sanders, Elisabeth

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Packard, Sherman
Reichard, Kevin
Sapareto, Frank

Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Smith, William
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1273h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Foose offered floor amendment (1277h).

Floor Amendment (1277h)

Amend the bill by replacing section 119 with the following:

119 College Tuition Savings Plan. For the biennium ending June 30, 2013, administrative fees less any administrative costs that are generated from the New Hampshire college tuition savings plan shall be allocated in the following manner: 70 percent of such total fees shall be paid prior to the end of the state fiscal year to the university system of New Hampshire and 30 percent of such total fees shall be paid prior to the end of the state fiscal year to the community college system of New Hampshire.

Amend the bill by replacing section 121 with the following:

121 Repeals. The following are repealed:

I. RSA 6:12, I(b)(140), relative to moneys deposited in the forgivable loan fund and the loan repayment fund in the workforce incentive program under RSA 188-D:18-f through RSA 188-D:18-h.

II. RSA 6:12, I(b)(241), relative to moneys deposited by the postsecondary education commission in the essential functions fund established under RSA 188-D:8, IX.

III. RSA 6:12, I(b)(243), relative to moneys used for the New Hampshire incentive program established in RSA 188-D:10.

IV. RSA 6:12, I(b)(244), relative to moneys used for the leveraged incentive grant program established in RSA 188-D:33.

V. RSA 6:12, I(b)(245), relative to moneys used for the granite state scholars program established in RSA 188-D:36.

VI. RSA 6:12, I(b)(247), relative to moneys used for the veterinary/medical/optometric education program established in RSA 200-J.

VII. RSA 6:12, I(b)(270), relative to the large animal veterinarian net tuition repayment fund established in RSA 200-J:7.

VIII. RSA 6:12-d, II(k), relative to the surety indemnification accounts of the postsecondary education commission.

IX. RSA 188-D, relative to the postsecondary education commission.

X. RSA 200-J, relative to the veterinary/medical/optometric education program.

AMENDED ANALYSIS

55. For the biennium ending June 30, 2013, transfers the balance of the New Hampshire excellence in higher education endowment trust fund in part to the university system of New Hampshire and in part to the community college system of New Hampshire.

Rep. Foose spoke in favor and requested a roll call; sufficiently seconded.

YEAS 98 NAYS 241

**YEAS 98
BELKNAP**

None

CARROLL

Knox, J. David

CHESHIREButynski, William
Johnsen, Gladys
Meador, David
Tatro, BruceCarr, Daniel
Johnson, Jane
Parkhurst, Henry
Weber, LucyChase, Cynthia
Lerandean, Alfred
Roberts, Kris
Weed, CharlesHawkes, Samuel
Lindsey, Steven
Sad, Tara**COOS**

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTONAguiar, James
Gould, Franklin
Pierce, David
White, AndrewAlmy, Susan
Harding, Laurie
Smith, SuzanneBenn, Bernard
Nordgren, Sharon
Taylor, KathleenCooney, Mary
Pastor, Beatriz
Townsend, Charles**HILLSBOROUGH**Baroody, Benjamin
Garity, Patrick
Judy, Jean
Porter, Marjorie
Rosenwald, CindyBrunelle, Michael
Gidge, Kenneth
Long, Patrick
Ramsey, Peter
Shaw, BarbaraCampbell, David
Goley, Jeffrey
Messier, Irene
Rhodes, Brian
Sullivan, DanielCote, David
Gorman, Mary
Pilotte, Maurice
Rokas, Ted**MERRIMACK**Bouchard, Candace
Frazer, June
MacKay, James
Richardson, GaryDeloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, StephenDeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary JaneFoote, Robert
Kidder, David
Rice, Chip
Watrous, Rick**ROCKINGHAM**Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, DonnaDiPentima, Rich
Pantelakos, Laura
Serlin, ChristopherLovejoy, Patricia
Powers, JamesMoody, Marcia
Read, Robin Jr**STRAFFORD**Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, DavidBrowne, Brendon
Hofmann, Roland
Pelletier, Marsha
Spang, JudithDomingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, DaleGinsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet**SULLIVAN**

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

NAYS 241**BELKNAP**Accornero, Harry
Kingsbury, Robert
Pilliod, James
Tilton, FranklinComtois, Guy
Luther, Robert
Russell, David
Tobin, WilliamFields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, ColetteGreemore, Robert
Millham, Alida
Swinford, Elaine**CARROLL**Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, KarenBabson, David Jr
McConkey, Mark
Scala, DinoChandler, Gene
Morrow, Harry
Schmidt, StephenFleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

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Burt, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
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Summers, James
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Gagne, Larry
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Hikel, John
Hopper, Gary
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Twombly, Timothy
Warden, Mark

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Blankenbeker, Lynne
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Kotowski, Frank
McDonnell, John
Reed, Dennis
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McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank

Allen, Mary
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Marshall
Rice, Frederick
Sedensky, John

Azarian, Gary
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth

Bates, David
Charon, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III

Smith, William
Tremblay, Stella
Waterhouse, Kevin

Sullivan, James
Tucker, Pamela
Webb, James

Sytek, John
Waddell, James
Welch, David

Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

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Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1277h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Reps. Watters and Foose spoke against.
Rep. Weyler spoke in favor.
Rep. Foose requested a roll call; sufficiently seconded.

YEAS 222 NAYS 119

YEAS 222

BELKNAP

Accornero, Harry
Kingsbury, Robert
Pilliod, James
Tobin, William

Comtois, Guy
Luther, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Ingbreton, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Coffey, James
Daniels, Gary
Drisko, Richard
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred

Balboni, Michael
Belanger, James
Burt, John
Condra, William
DeJong, Cameron
Erickson, Duane
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William

Ball, J. Michael
Belvin, William
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn

Barry, J. Gail
Boehm, Ralph
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph

Kurk, Neal
 McCarthy, Michael
 Murphy, Keith
 Ohm, Bill
 Peterson, Lenette
 Rowe, Robert
 Simmons, Tammy
 Thomas, Joseph
 Villeneuve, Moe

LeBrun, Donald
 McGuinness, Sean
 Notter, Jeanine
 Palmer, Barry
 Pratt, Calvin
 Scotsas, Lisa
 Soucy, Connie
 Twombly, Timothy
 Warden, Mark

Maltz, Jonathan
 Mecheski, Holly
 Ober, Lynne
 Palmer, Stephen
 Renzullo, Andrew
 Seidel, Carl
 Stepanek, Stephen
 Ulery, Jordan
 Willette, Robert

Marcus, Bruce
 Moran, Edward
 Ober, Russell III
 Pellegrino, Tony
 Robbins, David
 Silva, Peter
 Summers, James
 Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Kotowski, Frank
 McDonnell, John
 Reed, Dennis
 Smith, Todd

Coffey, Jennifer
 Hess, David
 Kreis, Kenneth Sr
 McGuire, Carol
 Sanborn, Laurie
 Winter, Steven

Cohn, Seth
 Hill, Gregory
 Lauer-Rago, Kathleen
 McGuire, Dan
 Seaworth, G. Brian

Cox, Sean
 Hoell, J.R.
 Lindsley, Mark
 Palfrey, David
 Smith, Molly

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Charron, Gene
 Devine, James
 Fesh, Robert
 Headd, James
 Kappler, Lawrence
 Manuse, Andrew
 Nevins, Chris
 Reichard, Kevin
 Sapareto, Frank
 Smith, William
 Tasker, Kyle
 Ward, Joanne

Allen, Mary
 Bettencourt, David
 Comerford, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Hoelzel, Kathleen
 Kolodziej, Walter
 Mauro, Donna
 O'Connor, John
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Waterhouse, Kevin

Azarian, Gary
 Birdsell, Regina
 Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Introne, Robert
 MacMahon, Bruce
 McMahon, Charles
 Packard, Sherman
 Ritter, Glenn
 Sheffert, Kenneth
 Sytek, John
 Tucker, Pamela
 Welch, David

Baldasaro, Alfred
 Brown, Paul
 DeSimone, Debra
 Ferrante, Beverly
 Griffin, Mary
 Itse, Daniel
 Major, Norman
 Murphy, Brian
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tamburello, Daniel
 Waddell, James
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Jones, Laura
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie

Jones, Kyle
 Munck, Philip
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Laware, Thomas

Cunningham, Steven
 Osgood, Joe

Howard, Thomas
 Rodeschin, Beverly

LaCasse, Paul Sr
 Smith, Steven

NAYS 119

BELKNAP

St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
 Hawkes, Samuel
 Lindsey, Steven
 Sad, Tara

Carr, Daniel
 Johnsen, Gladys
 Meader, David
 Tatro, Bruce

Chase, Cynthia
 Johnson, Jane
 Parkhurst, Henry
 Weber, Lucy

Emerson, Susan
 Lerandeau, Alfred
 Roberts, Kris
 Weed, Charles

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tremblay, Marc

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gidge, Kenneth
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Day, Russell
Goley, Jeffrey
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Buxton, Michael
Gargas, Carolyn
Gorman, Mary
Pilotte, Maurice
Rokas, Ted
Whitehead, Randall

Campbell, David
Garrity, Patrick
Judy, Jean
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Richardson, Gary
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Patten, Dick
Richardson, Jon
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Shurtleff, Stephen

Foose, Robert
Kidder, David
Rice, Chip
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
Dowling, Patricia
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr

Chirichiello, Brian
Gould, Kenneth
Norelli, Terie
Powers, James
Schlachman, Donna

Copeland, Timothy
Katsakiores, Phyllis
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

DiPentima, Rich
Lovejoy, Patricia
Perkins, Amy
Quandt, Matt
Webb, James

STRAFFORD

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hofemann, Roland
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

and the majority committee report was adopted and ordered to third reading.

Rep. Tholl declared a conflict of interest and did not participate.

Rep. Antosz did not vote and notified the Clerk that he wished to be recorded in favor.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Jasper moved that the House reconsider its action whereby, on a roll call vote of 222-119, it adopted the majority committee report of Ought to Pass with Amendment on **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

Rep. Jasper spoke against.

On a division vote, 96 members having voted in the affirmative and 241 in the negative, the motion failed.

Rep. Tholl declared a conflict of interest and did not participate.

MOTION TO PRINT DEBATE

Rep. Patrick Garrity moved that the debate on **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures, be printed in the Permanent Journal.

On a division vote, 101 members having voted in the affirmative and 237 in the negative, the motion failed.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 31, 2011 at 9:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

SB 112, relative to the membership on the advanced manufacturing education advisory council.

SB 127-FN, relative to the city of Manchester's contributory retirement system.

HB 131, relative to indemnification of volunteers performing duties in the state park system.

SB 15, relative to the duties of tax collectors and clerks.

SB 16, relative to amendments to warrant articles.

SB 174, relative to the Concord regional solid waste/resource recovery cooperative.

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs.

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

HB 160, relative to the powers of the joint committee on legislative facilities.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities.

HB 490-FN, adopting the interstate compact for juveniles.

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor.

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

HB 651, allowing the sale and possession of monk parakeets.

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

HB 25-FN-A, making appropriations for capital improvements.

HB 648, relative to eminent domain petitions by public utilities.

HB 580-FN-L, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

RECESS MOTION

Rep. Jasper moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 7:15 p.m.

RECESS

(Speaker O'Brien in the Chair)

Rep. Bates moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 14

Thursday, March 31, 2011

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Today, Lord, we tackle again the tough and rough decisions that must provide security, preserve liberty and continue to build a responsible foundation for the common good. Give us the energy we need to be open to see each issue wisely and to exercise courage according to Your measure. The larger picture is far more important than we can normally envision and the good order persons seek for themselves is never separated from the good order of the body politic. Help us keep the balance. Again we ask for Your intercession for peacekeepers in uniform. We wish them out of harm's way and back to our beautiful state. In addition, we pray for the safety and health of the members of this chamber and their families. Help us to see, Lord, that what we do today is so important that it should stand the test of years. Give us courage in a climate of growing disorder to aim for spiritual and social harmony and give us wisdom and insight to see the ultimate good in what we do for those we represent. We ask this in Your Holy name. Amen.

Representative Laurie Sanborn, member from Henniker, led the Pledge of Allegiance.

The National Anthem was sung by Nick DeFrancesco, an All-State vocalist from Londonderry High School.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Dowling, Hawkes, Karen Hutchinson, Kingsbury, Pepino, Kris Roberts, Sapienza and Stroud, the day, illness.

Reps. Beattie, Brosseau, Coughlin, DeJong, Dwinell, Flanders, Thomas Keane, Larsen, Leonard, Parison, Peckham and Simpson, the day, important business.

INTRODUCTION OF GUESTS

Anthony DeFrancesco, father of the singer, guest of the Auburn and Londonderry delegation. Jeff Thibodeau, Cynthia and Phil Howard, guests of Rep. LaCasse. Jean Townsend, wife of Rep. Townsend.

Katelyn Gagnon and Alexander Palermo, students at Franklin High School, Pages for the day.

MOTION TO VACATE

Rep. Renzullo moved that the House vacate the reference of **SB 27**, relative to speed limitations for boats, to the Committee on Resources, Recreation and Development.

Adopted.

The Speaker referred **SB 27** to the Committee on Transportation.

REGULAR CALENDAR (CONT'D)

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for the Majority of Finance: The last election saw people energized like never before. The message most of us received was that government had gotten too big, too controlling and too expensive. Our mandate was to balance the budget without new taxes, cut the size of government and stop letting the public employees continue to get increases in pay and benefits while the general public was suffering from layoffs and reduced earnings. The House is by constitution the place where the budget must begin. We accept a proposal by the governor as a starting point. Due to time constraints it was published as the first draft of HB 1 and similarly the governor's proposal for the accompanying legislation as HB 2. There were many criticisms of the governor's proposal, but we knew from last year's experience that we had too much government for the revenue we had. Last session we had to pass a supplementary budget bill due to revenue shortfalls. That problem looks to continue into the future. Nevertheless, the governor's proposal contained unrealistic

revenue projections. In round numbers this was our challenge: the governor proposed a budget that showed 290 million more for the biennium than our Ways and Means Committee believed. One of our colleagues on that committee has been more accurate than the governor for the last ten years. We support his numbers. The next challenge was to avoid downshifting to the cities and towns any more than the previous budget had done. The governor proposed reducing the catastrophic aid for special education from 23 million a year to 7 million, the school building aid from 46 million to 20 million in 2012 and then to full funding in 2013. One of the biggest downshifts was to eliminate the state's share of municipal employees' retirement contribution from 47 million in 2011 to zero for both 2012 and 2013. These downshifts involved about 154 million for the biennium. When added to the difference in revenue estimates, our challenge was about 444 million. Yes, we had to make some cuts and just like the previous budgets when the Republicans were in the majority, the opposition was in full media mode with their usual outlets. It is unfortunate that state employees and state contractors use our most vulnerable citizens as pawns. They are all put in full fear mode that they will lose services. These rumors are always self-serving by the previously mentioned groups, who are more worried about their positions than about any clients. But it is sometimes effective when you hear from these fearful constituents and believe that we on the committee are unaware of their concerns. The services have always been maintained, but the efficiencies affect the employees and the contractors more than the clients. We have funded catastrophic aid at the 2011 level for the next two years, 23 million each year. We have funded school building aid at the 2011 level, 46 million each for 2012 and 2013. The biggest challenge was the almost 47 million each year for municipal retirement contributions. The governor had zeroed it out. We decided that the employees could share in this burden by increasing their contributions by 2% for teachers, 2.25% for police, and 2.5% for fire fighters. These modest increases still leave the employers making far higher contributions than the employee, in the case of firefighters by a factor of more than two. The three divisions went into a great amount of detail for each agency budget they reviewed. We needed to find new ways to solve problems. We do not need a public relations person in every agency. The commissioner should be the one who speaks for that agency. If our benefits package has grown too generous for our employees, they will find themselves underbid by contractors who may pay similar wages, but have benefits more in line with the national average than the very high standard that the state pays. Our health care costs can be reduced by managed care, where a patient is closely followed and evaluated and recommendations in preventive care are made, rather than have the patient waiting until a crisis occurs and then having very expensive care provided. Most people are pleased to have someone monitoring their care. We have reduced some college scholarship funds that we deem are not a core function of state government. Colleges have increased their tuition far faster than inflation. Perhaps government aid has gone into pay raises rather than student help. Please support the Finance Committee for HB 1. The budget is balanced with realistic revenues, downshifting to towns and cities have been minimized and the delivery of core services has been maintained. Vote 18-7. Rep. Robert A. Foose for the Minority of Finance: The minority of the Finance Committee cannot support HB 1 as presented because the level and breadth of the cuts will threaten essential programs and services unnecessarily. If the Finance Committee had considered a responsible revenue estimate for the next two years, the minority believes that at least \$200 million of the cuts could be restored. Further, the minority believes that adjustments proposed to avoid paying hospitals over \$116 million of disproportionate share support is essentially a new and inappropriate business tax. Finally, the minority believes that the proposed increase in retirement contributions is essentially an income tax for almost all of our public employees. We propose ITL.

Majority Amendment (1172h)

This amendment was printed in its entirety in House Record No. 27A, March 25, 2011 and is made part of this Journal by reference.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Almy offered floor amendment (1250h).

Floor Amendment (1250h)

Amend the bill by replacing section 24 with the following:

24 Estimates of Unrestricted Revenue.

GENERAL FUND	<u>FY 2012</u>	<u>FY 2013</u>
BUSINESS PROFITS TAX	\$267,550,000	\$292,220,000
BUSINESS ENTERPRISE TAX	<u>66,270,000</u>	<u>72,380,000</u>
SUBTOTAL BUSINESS TAXES	333,820,000	364,600,000
MEALS AND ROOMS TAX	231,060,000	245,970,000
TOBACCO TAX	125,330,000	121,390,000
TRANSFER FROM LIQUOR COMMISSION	130,300,000	139,400,000
INTEREST AND DIVIDENDS TAX	98,300,000	106,200,000
INSURANCE	86,100,000	86,800,000
COMMUNICATIONS TAX	81,800,000	82,600,000
REAL ESTATE TRANSFER TAX	56,760,000	57,900,000
COURT FINES & FEES	13,600,000	13,600,000
SECURITIES REVENUE	35,100,000	35,900,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE REVENUE	20,500,000	21,000,000
BEER TAX	13,100,000	13,100,000
RACING & CHARITABLE GAMING	2,500,000	2,700,000
OTHER REVENUES	69,100,000	68,700,000
GAMBLING WINNINGS TAX	0	0
TOBACCO SETTLEMENT	<u>2,400,000</u>	<u>2,400,000</u>
SUBTOTAL	1,305,770,000	1,368,260,000
MEDICAID ENHANCEMENT TAX	97,000,000	104,800,000
MEDICAID RECOVERIES	<u>17,400,000</u>	<u>18,300,000</u>
TOTAL GENERAL FUND	<u>\$1,420,170,000</u>	<u>\$1,491,360,000</u>
EDUCATION FUND	<u>FY 2012</u>	<u>FY 2013</u>
BUSINESS PROFITS TAX	\$57,150,000	\$62,420,000
BUSINESS ENTERPRISE TAX	<u>132,740,000</u>	<u>144,980,000</u>
SUBTOTAL BUSINESS TAXES	189,890,000	207,400,000
MEALS AND ROOMS TAX	7,640,000	8,130,000
TOBACCO TAX	97,670,000	94,610,000
REAL ESTATE TRANSFER TAX	28,340,000	28,900,000
TRANSFER FROM LOTTERY COMMISSION	70,000,000	72,000,000
TRANSFER FROM RACING & CHARITABLE GAMING	900,000	900,000
TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	28,000,000	28,000,000
STATEWIDE PROPERTY TAX	<u>363,000,000</u>	<u>363,000,000</u>
TOTAL EDUCATION FUND	\$825,440,000	\$842,940,000
HIGHWAY FUND	<u>FY 2012</u>	<u>FY 2013</u>
GASOLINE ROAD TOLL	\$124,500,000	\$124,500,000
MOTOR VEHICLE FEES	108,300,000	108,300,000
MISCELLANEOUS	<u>24,500,000</u>	<u>23,500,000</u>
TOTAL HIGHWAY FUND	<u>\$257,300,000</u>	<u>\$256,300,000</u>
FISH AND GAME FUND	<u>FY 2012</u>	<u>FY 2013</u>
FISH AND GAME LICENSES	\$8,200,000	\$8,200,000
FINES AND MISCELLANEOUS	<u>1,900,000</u>	<u>1,900,000</u>
TOTAL FISH AND GAME FUND	<u>\$10,100,000</u>	<u>\$10,100,000</u>

Reps. Almy and Foose spoke in favor.

Rep. Weyler yielded to questions.

Reps. Stepanek and Jasper spoke against.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Foose requested a roll call; sufficiently seconded.

YEAS 94 NAYS 255**YEAS 94
BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Carr, Daniel
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Meador, David
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Katsiantonis, Thomas
Porter, Marjorie
Sullivan, Daniel

Brunelle, Michael
Gidge, Kenneth
Levasseur, Nickolas
Rokas, Ted

Campbell, David
Goley, Jeffrey
Long, Patrick
Rosenwald, Cindy

Cote, David
Gorman, Mary
Pilotte, Maurice
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Pantelakos, Laura
Serlin, Christopher

DiPentima, Rich
Powers, James

Moody, Marcia
Read, Robin Jr

Norelli, Terie
Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 255**BELKNAP**

Accornero, Harry
Greemore, Robert
Pilliod, James
Tobin, William

Bolster, Peter
Luther, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey

Fields, Dennis
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Bymes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Ingbretson, Paul
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Belvin, William
Burt, John
Christensen, D.L. Chris
Day, Russell
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Coffey, James
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Robbins, David
Silva, Peter
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, Richard
Boehm, Ralph
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Belanger, James
Brown, Kevin
Champagne, Norma
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Todd

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Cox, Sean
Kidder, David
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
Mauro, Donna
O'Connor, John

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Oligny, Jeffrey

Perkins, Amy	Perkins, Lawrence	Quandt, Marshall	Quandt, Matt
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sullivan, Kevin
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Tucker, Pamela
Waddell, James	Ward, Joanne	Waterhouse, Kevin	Webb, James
Welch, David	Weyler, Kenneth	Wheaton, Gary	

STRAFFORD

Andolina, Donald	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Kyle	Jones, Laura	Leonard, Frederick Jr	Munck, Philip
Newton, Clifford	O'Connor, William	Panek, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	Weeden, Michael

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly
Smith, Steven			

and floor amendment (1250h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Campbell offered floor amendment (1237h).

Floor Amendment (1237h)

Amend accounting unit 04-96-96-963015-3039 as inserted by section 1 of the bill to read as follows:

04 TRANSPORTATION**96 DEPARTMENT OF TRANSPORTATION****963015 CONSTRUCTION PROGRAM FUNDS****3039 BETTERMENT**

	<u>FY 2012</u>	<u>FY 2013</u>
018 Overtime	750,000	750,000
020 Current Expenses	300,000	300,000
022 Rents-Leases Other Than State	1,500,000	1,500,000
023 Heat- Electricity - Water	1,000	1,000
024 Maint. Other Than Build.- Grnds	10,000	10,000
046 Consultants	500,000	500,000
048 Contractual Maint.-Build-Grnds	50,000	50,000
050 Personal Service-Temp/Appointee	100,000	100,000
060 Benefits	157,350	156,975
070 In-State Travel Reimbursement	50,000	50,000
400 Construction Repair Materials	[+18,881,650] 20,951,650	[+18,881,650] 20,951,650
401 Land - Interest	200,000	200,000
TOTAL	[22,500,000] 24,570,000	[22,499,625] 24,569,625

ESTIMATED SOURCE OF FUNDS FOR BETTERMENT

009 Agency Income	22,500,000	22,499,625
Highway Funds	2,070,000	2,070,000
TOTAL SOURCE OF FUNDS	[22,500,000] 24,570,000	[22,499,625] 24,569,625

Amend section 24 of the bill to read as follows:

24 Estimates of Unrestricted Revenue.

	<u>FY 2012</u>	<u>FY 2013</u>
GENERAL FUND		
BUSINESS PROFITS TAX	\$259,045,000	\$266,777,000
BUSINESS ENTERPRISE TAX	<u>63,482,000</u>	<u>65,352,000</u>
SUBTOTAL BUSINESS TAXES	322,527,000	332,129,000
MEALS AND ROOMS TAX	221,903,000	226,841,000
TOBACCO TAX	124,225,000	120,515,000
TRANSFER FROM LIQUOR COMMISSION	130,300,000	135,000,000

INTEREST AND DIVIDENDS TAX	85,400,000	87,100,000
INSURANCE	86,100,000	86,800,000
COMMUNICATIONS TAX	80,200,000	81,000,000
REAL ESTATE TRANSFER TAX	53,096,000	54,163,000
COURT FINES & FEES	13,600,000	13,600,000
SECURITIES REVENUE	35,100,000	35,900,000
UTILITY CONSUMPTION TAX	6,000,000	6,000,000
BOARD AND CARE REVENUE	20,500,000	21,000,000
BEER TAX	13,100,000	13,100,000
RACING & CHARITABLE GAMING	2,300,000	2,400,000
OTHER REVENUES	69,100,000	68,700,000
GAMBLING WINNINGS TAX	3,400,000	3,400,000
TOBACCO SETTLEMENT	2,400,000	2,400,000
SUBTOTAL	1,269,251,000	1,290,048,000
MEDICAID ENHANCEMENT TAX	97,000,000	104,800,000
MEDICAID RECOVERIES	17,400,000	18,300,000
TOTAL GENERAL FUND	<u>\$1,383,651,000</u>	<u>\$1,413,148,000</u>
EDUCATION FUND	<u>FY 2012</u>	<u>FY 2013</u>
BUSINESS PROFITS TAX	\$55,510,000	\$57,167,000
BUSINESS ENTERPRISE TAX	<u>126,963,000</u>	<u>130,704,000</u>
SUBTOTAL BUSINESS TAXES	182,473,000	187,871,000
MEALS AND ROOMS TAX	7,297,000	7,459,000
TOBACCO TAX	96,775,000	93,885,000
REAL ESTATE TRANSFER TAX	26,504,000	27,037,000
TRANSFER FROM LOTTERY COMMISSION	66,200,000	67,500,000
TRANSFER FROM RACING & CHARITABLE GAMING	900,000	900,000
TOBACCO SETTLEMENT	40,000,000	40,000,000
UTILITY PROPERTY TAX	28,000,000	28,000,000
STATEWIDE PROPERTY TAX	<u>363,000,000</u>	<u>363,000,000</u>
TOTAL EDUCATION FUND	\$811,149,000	\$815,652,000
HIGHWAY FUND	<u>FY 2012</u>	<u>FY 2013</u>
GASOLINE ROAD TOLL	[\$124,500,000] <u>126,345,000</u>	[\$124,500,000] <u>126,345,000</u>
MOTOR VEHICLE FEES	108,300,000	108,300,000
MISCELLANEOUS	[24,500,000] <u>24,725,000</u>	[23,500,000] <u>23,725,000</u>
TOTAL HIGHWAY FUND	[\$257,300,000] <u>259,370,000</u>	[\$256,300,000] <u>258,370,000</u>
FISH AND GAME FUND	<u>FY 2012</u>	<u>FY 2013</u>
FISH AND GAME LICENSES	\$8,200,000	\$8,200,000
FINES AND MISCELLANEOUS	<u>1,900,000</u>	<u>1,900,000</u>
TOTAL FISH AND GAME FUND	<u>\$10,100,000</u>	<u>\$10,100,000</u>

Rep. Campbell spoke in favor and yielded to questions.

CLERK'S NOTE

The Speaker ordered the Sergeant-at-Arms to clear the House Gallery due to disorderly conduct.

The House recessed at 10:00 a.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 10:10 a.m.

REGULAR CALENDAR – HB 1-A (CONT'D)

The question being adoption of floor amendment (1237h) on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. Rep. Campbell yielded to questions and requested a roll call; sufficiently seconded.

YEAS 105 NAYS 234**YEAS 105
BELKNAP**

Bolster, Peter

CARROLL

None

CHESHIREButynski, William
Lerandeau, Alfred
Sad, TaraCarr, Daniel
Lindsey, Steven
Tatro, BruceChase, Cynthia
Meader, David
Weber, LucyJohnsen, Gladys
Parkhurst, Henry
Weed, Charles**COOS**Coulombe, Gary
Theberge, RobertHatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTONAguiar, James
Gould, Franklin
Pierce, DavidAlmy, Susan
Harding, Laurie
Smith, SuzanneBenn, Bernard
Nordgren, Sharon
Townsend, CharlesCooney, Mary
Pastor, Beatriz
White, Andrew**HILLSBOROUGH**Baroody, Benjamin
Garritty, Patrick
Infantine, William
Long, Patrick
Ramsey, Peter
Sullivan, DanielBrunelle, Michael
Gidge, Kenneth
Judy, Jean
Messier, Irene
Rokas, Ted
Terrio, RossCampbell, David
Goley, Jeffrey
Katsiantonis, Thomas
Pilote, Maurice
Rosenwald, CindyCote, David
Gorman, Mary
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara**MERRIMACK**Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Watrous, RickDeloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, RobertDeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, StephenFoose, Robert
Kidder, David
Potter, Frances
Wallner, Mary Jane**ROCKINGHAM**Cali-Pitts, Jacqueline
Norelli, Terie
Powers, JamesDiPentima, Rich
Pantelakos, Laura
Read, Robin JrGould, Kenneth
Perkins, Amy
Schlachman, DonnaMoody, Marcia
Perkins, Lawrence
Serlin, Christopher**STRAFFORD**Berube, Roger
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, JanetBrown, Julie
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, DavidBrowne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, JudithGinsburg, Philip
Horriggan, Timothy
Roberts, Jenna
Sprague, Dale**SULLIVAN**

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

**NAYS 234
BELKNAP**Accornero, Harry
Luther, Robert
Russell, David
Tobin, WilliamComtois, Guy
Malone, Robert
St. Cyr, Jeffrey
Worsman, ColetteFields, Dennis
Millham, Alida
Swinford, ElaineGreemore, Robert
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Ingbretson, Paul
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Belvin, William
Burt, John
Christensen, D.L. Chris
Day, Russell
Erickson, Duane
Gandia, Laura
Graham, John
Hikel, John
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Coffey, James
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Twombly, Timothy
Warden, Mark

Barry, Richard
Boehm, Ralph
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Hansen, Peter
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Moran, Edward
Ober, Russell III
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Belanger, James
Brown, Kevin
Champagne, Norma
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hardwick, Harry
Hopper, Gary
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Robbins, David
Silva, Peter
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Cox, Sean
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Major, Norman
Murphy, Brian

Allen, Mary
Bettencourt, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris

Antosz, Jason
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Lundgren, David
Mauro, Donna
O'Connor, John

Azarian, Gary
Brown, Paul
Comerford, Timothy
Devine, James
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard

Oigny, Jeffrey
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

Quandt, Marshall
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Waddell, James
Welch, David

Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Ward, Joanne
Weyler, Kenneth

Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and floor amendment (1237h) failed.

Rep. Hinch did not vote and notified the Clerk that he wished to be recorded against.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Benn offered floor amendment (1246h).

Floor Amendment (1246h)

Amend the bill by inserting after section 22 the following new section and renumbering the remaining sections:

23 Department of Resources and Economic Development; Innovative Research Center; Additional Appropriation. In addition to any other sums appropriated to the department of resources and economic development, the sum of \$385,000 in fiscal year 2012 and the sum of \$385,000 in fiscal year 2013 are hereby appropriated to department of resources and economic development for the purpose of restoring funding to the innovative research center (accounting unit 03-35-35-350510-3615). The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Rep. Weed spoke in favor and requested a roll call; sufficiently seconded.

YEAS 97 NAYS 243

YEAS 97

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Carr, Daniel
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Meader, David
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Jeudy, Jean
Pilotte, Maurice
Shaw, Barbara

Brunelle, Michael
Gargas, Carolyn
Levasseur, Nickolas
Porter, Marjorie
Sullivan, Daniel

Campbell, David
Gidge, Kenneth
Long, Patrick
Ramsey, Peter

Christensen, D.L. Chris
Gorman, Mary
Messier, Irene
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

DiPentima, Rich
Norelli, Terie
Serlin, Christopher

Gould, Kenneth
Powers, James

Moody, Marcia
Read, Robin Jr

Murphy, Brian
Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 243**BELKNAP**

Accomero, Harry
Greemore, Robert
Russell, David
Tobin, William

Bolster, Peter
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Malone, Robert
Swinford, Elaine

Fields, Dennis
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Bradley, Lester
Mirski, Paul
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

Ladd, Rick Jr
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Belvin, William

Barry, J. Gail
Bergevin, Jerry

Barry, Richard
Boehm, Ralph

Belanger, James
Brown, Kevin

Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christiansen, Lars	Coffey, James	Cusson-Cail, Kathleen	Daniels, Gary
Day, Russell	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Gandia, Laura	Gimas, John	Gonzalez, Carlos	Graham, John
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin
Proulx, Mark	Reed, Michael	Renzullo, Andrew	Robbins, David
Rowe, Robert	Scotsas, Lisa	Seidel, Carl	Silva, Peter
Simmons, Tammy	Soucy, Connie	Stepanek, Stephen	Swank, Matthew
Terrio, Ross	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Warden, Mark	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenkaker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
Giuda, J. Brandon	Hess, David	Hill, Gregory	Hoell, J.R.
Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
Lindsley, Mark	Lockwood, Priscilla	McDonnell, John	McGuire, Carol
McGuire, Dan	Palfrey, David	Reed, Dennis	Seaworth, G. Brian
Smith, Molly	Smith, Todd	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Bates, David	Birdsell, Regina	Brown, Paul	Case, Frank
Charron, Gene	Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy
Davenport, Joshua	DeSimone, Debra	Devine, James	Duarte, Joe
Elliott, Robert	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Introne, Robert	Itse, Daniel	Kappler, Lawrence
Katsakiores, Phyllis	Kolodziej, Walter	Lundgren, David	MacMahon, Bruce
Major, Norman	Manuse, Andrew	Mauro, Donna	McKinney, Betsy
Nevins, Chris	O'Connor, John	Okerman, Richard	Oigny, Jeffrey
Packard, Sherman	Perkins, Amy	Quandt, Marshall	Quandt, Matt
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	Schroadter, Adam	Sedensky, John
Sheffert, Kenneth	Shuler, Wyman III	Smith, William	Sullivan, James
Sullivan, Kevin	Sytek, John	Tasker, Kyle	Tremblay, Stella
Tucker, Pamela	Waddell, James	Ward, Joanne	Waterhouse, Kevin
Webb, James	Welch, David	Weyler, Kenneth	

STRAFFORD

Andolina, Donald	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Kyle	Jones, Laura	Leonard, Frederick Jr	Munck, Philip
Newton, Clifford	O'Connor, William	Panek, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly

Smith, Steven
and floor amendment (1246h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Foosse offered floor amendment (1248h).

Floor Amendment (1248h)

Amend the bill by inserting after section 22 the following new section and renumbering the remaining sections:

23 Department of Education; Tuition and Transportation Program; Additional Appropriation. In addition to any other sums appropriated to the department of education, the sum of \$1,000,000 in each fiscal year of the biennium ending June 30, 2013 is hereby appropriated to the department of education, accounting unit 06-56-56-5610-6019 (Other State Aid), for the purpose of funding the tuition and transportation program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Rep. Grassie spoke in favor and yielded to questions.

(Rep. Jasper in the Chair)

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 111 NAYS 243

YEAS 111

BELKNAP

Bolster, Peter St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Johnsen, Gladys
Johnson, Jane	Lerandau, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Sad, Tara	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Smith, Suzanne	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Christiansen, Lars
Cote, David	Day, Russell	Fredette, Robert	Garrity, Patrick
Gidge, Kenneth	Gorman, Mary	Haefner, Robert	Jeady, Jean
Katsiantonis, Thomas	Levasseur, Nickolas	Long, Patrick	Messier, Irene
Pilotte, Maurice	Porter, Marjorie	Ramsey, Peter	Rokas, Ted
Rosenwald, Cindy	Shaw, Barbara		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foosse, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Kidder, David
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane
Watrout, Rick	Williams, Robert		

ROCKINGHAM

Cali-Pitts, Jacqueline
McKinney, Betsy
Powers, James
Sytek, John

DiPentima, Rich
Moody, Marcia
Read, Robin Jr

Elliott, Robert
Norelli, Terie
Schlachman, Donna

Gould, Kenneth
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

NAYS 243**BELKNAP**

Accornero, Harry
Luther, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Malone, Robert
Swinford, Elaine

Fields, Dennis
Millham, Alida
Tilton, Franklin

Greemore, Robert
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Bradley, Lester
Mirski, Paul
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Daniels, Gary
Erickson, Duane
Gargas, Carolyn
Greazzo, Phil
Hinck, Richard
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Lynne
Palmer, Stephen

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Doherty, Shaun
Flanagan, Jack
Gimas, John
Hansen, Peter
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ober, Russell III
Pellegrino, Tony

Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
Donovan, Daniel
Gagne, Larry
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Ohm, Bill
Peterson, Lenette

Belanger, James
Brown, Kevin
Cebrowski, John
Cusson-Cail, Kathleen
Drisko, Richard
Gandia, Laura
Graham, John
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
O'Brien, William
Palmer, Barry
Pratt, Calvin

Proulx, Mark
Rowe, Robert
Simmons, Tammy
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Robbins, David
Silva, Peter
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Todd

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Copeland, Timothy
Duarte, Joe
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Oligny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Waddell, James
Welch, David

Antosz, Jason
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
Mauro, Donna
O'Connor, John
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Brown, Paul
Comerford, Timothy
Devine, James
Garcia, Marilinda
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Rice, Frederick
Schroadter, Adam
Smith, William
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Leonard, Frederick Jr
Pank, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1248h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

(Speaker O'Brien in the Chair)

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Benn offered floor amendment (1249h).

Floor Amendment (1249h)

Amend the bill by inserting after section 22 the following new sections and renumbering the remaining sections:

23 Department of Agriculture, Markets, and Food; Weights and Measures; Additional Appropriation. In addition to any other sums appropriated to the department of agriculture, markets, and food, the sum of \$189,949 in fiscal year 2012 and the sum of \$194,390 in fiscal year 2013 are hereby appropriated to department of agriculture, markets and food, division of weights and measures (accounting unit 02-18-18-180010-2133) for the purpose of restoring 3 positions within the division of weights and measures. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

24 Department of Justice; Consumer Protection; Additional Appropriation. In addition to any other sums appropriated to the department of justice, the sum of \$180,162 in fiscal year 2012 and the sum of \$239,783 in fiscal year 2013 are hereby appropriated to department of justice for the purpose of consumer protection (accounting unit 02-20-20-200510-2611). The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Reps. Benn and Gary Richardson spoke in favor.

Rep. Benn requested a roll call; sufficiently seconded.

YEAS 107 NAYS 243

YEAS 107

BELKNAP

Accornero, Harry

CARROLL

Babson, David Jr

CHESHIRE

Butynski, William
Johnson, Jane
Moore, Robert Jr
Weed, Charles

Carr, Daniel
Lerandeau, Alfred
Parkhurst, Henry

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Johnsen, Gladys
Meador, David
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguilar, James
Gould, Franklin
Pierce, David
Townsend, Charles

Almy, Susan
Harding, Laurie
Reilly, Harold Sr
White, Andrew

Benn, Bernard
Nordgren, Sharon
Shackett, Jeffrey

Cooney, Mary
Pastor, Beatriz
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Haefner, Robert
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Gidge, Kenneth
Judy, Jean
Pilotte, Maurice
Rokas, Ted

Cote, David
Goley, Jeffrey
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Gandia, Laura
Gorman, Mary
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Owen, Derek
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Wallner, Mary Jane

Foose, Robert
Kidder, David
Potter, Frances
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth
Norelli, Terie
Schlachman, Donna

Case, Frank
Katsakiores, Phyllis
Pantelakos, Laura
Serlin, Christopher

Copeland, Timothy
Lovejoy, Patricia
Powers, James

DiPentima, Rich
Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne

Brown, Julie
Hofemann, Roland

Browne, Brendon
Hooper, Dorothea

Ginsburg, Philip
Horrigan, Timothy

Kaen, Naida
Schmidt, Peter
Watters, David

Keans, Sandra
Spainhower, Dale

Pelletier, Marsha
Spang, Judith

Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 243

BELKNAP

Bolster, Peter
Luther, Robert
Russell, David
Tobin, William

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Millham, Alida
Swinford, Elaine

Greemore, Robert
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Smith, Edwin

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sova, Charles

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Daniels, Gary
Drisko, Richard
Gagne, Larry
Graham, John
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Day, Russell
Erickson, Duane
Gargas, Carolyn
Greazzo, Phil
Hogan, Edith
Infantine, William
Lambert, George
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Robbins, David
Silva, Peter
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Doherty, Shaun
Flanagan, Jack
Gimas, John
Hansen, Peter
Holden, Frank
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David

Cohn, Seth
Hill, Gregory

Cox, Sean
Hoell, J.R.

Giuda, J. Brandon
Kotowski, Frank

Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Todd

Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Lockwood, Priscilla
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Lundgren, David
Mauro, Donna
O'Connor, John
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Allen, Mary
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Schroadtter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Antosz, Jason
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and floor amendment (1249h) failed.

Rep. Chip Rice declared a conflict of interest and did not participate.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Foose offered floor amendment (1253h).

Floor Amendment (1253h)

Amend the bill by replacing section 19 with the following:

19 Department of Safety; Additional General Fund Appropriations. In addition to any other sums appropriated to the department of safety, the sums of \$714,710 in the fiscal year ending June 30, 2012 and \$709,806 in the fiscal year ending June 30, 2013 are hereby appropriated to the department of safety, division of state police in accounting unit 02-23-23-2340-5412 (Detective Bureau), for the purpose of funding the salary and benefit class lines associated with 7 positions. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.
Rep. Lerandeau spoke in favor and requested a roll call; sufficiently seconded.

YEAS 111 NAYS 239

YEAS 111

BELKNAP

Accornero, Harry

CARROLL

Scala, Dino

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Carr, Daniel
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Meador, David
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Taylor, Kathleen

Almy, Susan
Harding, Laurie
Reilly, Harold Sr
Townsend, Charles

Benn, Bernard
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

Cooney, Mary
Pastor, Beatriz
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Gandia, Laura
Gorman, Mary
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Garritty, Patrick
Judy, Jean
Pilote, Maurice
Rokas, Ted
Terrio, Ross

Cote, David
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Fredette, Robert
Goley, Jeffrey
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Deloge, Helen
MacKay, James
Reed, Dennis
Soltani, Tony

Foose, Robert
Owen, Derek
Rice, Chip
Wallner, Mary Jane

Frazer, June
Patten, Dick
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

Copeland, Timothy
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Powers, James
Webb, James

Elliott, Robert
Pantelakos, Laura
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 239**BELKNAP**

Bolster, Peter
Luther, Robert
Russell, David
Tobin, William

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Millham, Alida
Swinford, Elaine

Greemore, Robert
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Bradley, Lester
Mirski, Paul

Bulis, Lyle
Simard, Paul

Gionet, Edmond
Sova, Charles

Ladd, Rick Jr

HILLSBOROUGH

Avard, Kevin
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Haefner, Robert
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Twombly, Timothy
Whitehead, Randall

Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Day, Russell
Erickson, Duane
Gonzalez, Carlos
Hansen, Peter
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Robbins, David
Silva, Peter
Swank, Matthew
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Seaworth, G. Brian

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Smith, Molly

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Palfrey, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth

Allen, Mary
Bettencourt, David
Charron, Gene
DeSimone, Debra
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III

Antosz, Jason
Birdsell, Regina
Chirichiello, Brian
Devine, James
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
Mauro, Donna
O'Connor, John
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William

Azarian, Gary
Brown, Paul
Comerford, Timothy
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James

Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Sytek, John
Tucker, Pamela
Welch, David

Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Tasker, Kyle
Ward, Joanne
Wheaton, Gary

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and floor amendment (1253h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Nordgren offered floor amendment (1254h).

Floor Amendment (1254h)

Amend the bill by inserting after section 22 the following new section and renumbering the remaining sections:

23 Department of Health and Human Services; Domestic Violence Program; Additional Appropriation. In addition to any other sums appropriated in section 1 of this act, the sum of \$150,000 for the fiscal year ending June 30, 2012, and the sum of \$150,000 for the fiscal year ending June 30, 2013, are hereby appropriated to the department of health and human services in account 05-95-40-403010-6040, class 073 Grants-Non Federal, for the purpose of funding domestic violence programs. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Rep. Shurtleff spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 123 NAYS 228

YEAS 123

BELKNAP

Bolster, Peter

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Meader, David
Weber, Lucy

Carr, Daniel
Johnson, Jane
Parkhurst, Henry
Weed, Charles

Chase, Cynthia
Lerandeau, Alfred
Sad, Tara

Emerson, Susan
Lindsey, Steven
Tatro, Bruce

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Townsend, Charles

Almy, Susan
Harding, Laurie
Reilly, Harold Sr
White, Andrew

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Gargasz, Carolyn

Brunelle, Michael
Garrity, Patrick

Cote, David
Gidge, Kenneth

Flanagan, Jack
Goley, Jeffrey

Gonzalez, Carlos
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

Gorman, Mary
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy

Hansen, Peter
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Jeady, Jean
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Foose, Robert
Kidder, David
Potter, Frances
Smith, Molly

ROCKINGHAM

Cali-Pitts, Jacqueline
Copeland, Timothy
Lovejoy, Patricia
Pantelakos, Laura
Schlachman, Donna
Welch, David

Case, Frank
DiPentima, Rich
Moody, Marcia
Powers, James
Serlin, Christopher

Charron, Gene
Gould, Kenneth
Nevins, Chris
Read, Robin Jr
Waddell, James

Chirichiello, Brian
Katsakiores, Phyllis
Norelli, Terie
Reichard, Kevin
Webb, James

STRAFFORD

Berube, Roger
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

Lefebvre, Benjamin

Lovett, Charlene

NAYS 228

BELKNAP

Accornero, Harry
Luther, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Malone, Robert
Swinford, Elaine

Fields, Dennis
Millham, Alida
Tilton, Franklin

Greemore, Robert
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

Tremblay, Marc

GRAFTON

Bradley, Lester
Mirski, Paul

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

Ladd, Rick Jr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belvin, William
Brownrigg, Randall Jr

Barry, J. Gail
Bergevin, Jerry
Burt, John

Barry, Richard
Boehm, Ralph
Buxton, Michael

Belanger, James
Brown, Kevin
Cebrowski, John

Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Christensen, D.L. Chris
Daniels, Gary
Drisko, Richard
Gandia, Laura
Hardwick, Harry
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Christiansen, Lars
Day, Russell
Erickson, Duane
Graham, John
Hawkins, Kenneth
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Robbins, David
Silva, Peter
Swank, Matthew
Ulery, Jordan
Willette, Robert

Coffey, James
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Terrio, Ross
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Soltani, Tony

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Comerford, Timothy
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Perkins, Amy
Rice, Frederick
Schroader, Adam
Smith, William
Tamburello, Daniel
Ward, Joanne

Allen, Mary
Bettencourt, David
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Waterhouse, Kevin

Antosz, Jason
Birdsell, Regina
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Quandt, Marshall
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Weyler, Kenneth

Azarian, Gary
Brown, Paul
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Wheaton, Gary

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1254h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Nordgren offered floor amendment (1255h).

Floor Amendment (1255h)

Amend the bill by inserting after section 22 the following new section and renumbering the remaining sections:

23 Department of Health and Human Services; Employment Related Child Care; Additional Appropriation. In addition to any other sums appropriated in section 1 of this act, the sum of \$2,500,000 for the fiscal year ending June 30, 2012, and the sum of \$2,500,000 for the fiscal year ending June 30, 2013, are hereby appropriated to the department of health and human services in account 05-95-40-403510-6148, class 536, for employment related child care. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Reps. Gile and Rosenwald spoke in favor.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 105 NAYS 244

YEAS 105 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Carr, Daniel
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Meader, David
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Gorman, Mary
Messier, Irene
Rokas, Ted

Brunelle, Michael
Gidge, Kenneth
Judy, Jean
Pilotte, Maurice
Rosenwald, Cindy

Cote, David
Goley, Jeffrey
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

Gargas, Carolyn
Gonzalez, Carlos
Levasseur, Nickolas
Ramsey, Peter
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Case, Frank
Lundgren, David
Pantelakos, Laura
Serlin, Christopher

DiPentima, Rich
Moody, Marcia
Powers, James
Sullivan, James

Gould, Kenneth
Nevins, Chris
Read, Robin Jr
Sytek, John

Katsakiores, Phyllis
Norelli, Terie
Schlachman, Donna
Webb, James

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Watters, David

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spainhower, Dale

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Horriggan, Timothy
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 244**BELKNAP**

Accornero, Harry
Greemore, Robert
Pilliod, James
Tilton, Franklin

Bolster, Peter
Luther, Robert
Russell, David
Tobin, William

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Mirski, Paul
Sova, Charles

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Shackett, Jeffrey

Ladd, Rick Jr
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Robbins, David
Silva, Peter
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Daniels, Gary
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Day, Russell
Erickson, Duane
Gandia, Laura
Hansen, Peter
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon

Coffey, Jennifer
Hill, Gregory

Cohn, Seth
Hoell, J.R.

Cox, Sean
Kidder, David

Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Todd

Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence
Ritter, Glenn
Sedensky, John
Sullivan, Kevin
Tucker, Pamela
Welch, David

Allen, Mary
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Antosz, Jason
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne

Azarian, Gary
Brown, Paul
Copeland, Timothy
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Perkins, Amy
Rice, Frederick
Schroadter, Adam
Smith, William
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1255h) failed.

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Nordgren offered floor amendment (1256h).

Floor Amendment (1256h)

Amend the bill by inserting after section 22 the following new section and renumbering the remaining sections:

23 Department of Health and Human Services; Additional Appropriations. In addition to any other sums appropriated to the department of health and human services in section 1 of this act:

I. The sum of \$7,355,037 for the fiscal year ending June 30, 2012, and the sum of \$7,401,551 for the fiscal year ending June 30, 2013, are hereby appropriated to the department of health and human services, in account 05-95-93-930010-7100, class 557 Medicaid Waiver Services, for the purpose of providing developmental services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The sum of \$835,448 for the fiscal year ending June 30, 2012, and the sum of \$855,529 for the fiscal year ending June 30, 2013, are hereby appropriated to the department of health and human services in account 05-95-93-930010-7016, class 557 Medicaid Waiver Services for the purpose of providing acquired brain disorder services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

III. The sum of \$1,772,650 for the fiscal year ending June 30, 2012, and the sum of \$1,810,426 for the fiscal year ending June 30, 2013, are hereby appropriated to the department of health and human services in account 05-95-93-930010-7013, class 102 Contracts for program services for the purpose of providing family support services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Rep. Sandra Keans spoke in favor and requested a roll call; sufficiently seconded.

YEAS 133 NAYS 212**YEAS 133
BELKNAP**

Accornero, Harry

Bolster, Peter

Millham, Alida

CARROLL

None

CHESHIREButynski, William
Johnsen, Gladys
Meador, David
Weber, LucyCarr, Daniel
Johnson, Jane
Parkhurst, Henry
Weed, CharlesChase, Cynthia
Lerandeau, Alfred
Sad, TaraEmerson, Susan
Lindsey, Steven
Tatro, Bruce**COOS**Coulombe, Gary
Richardson, HerbertHatch, William
Theberge, RobertMerrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTONAguilar, James
Gould, Franklin
Pastor, Beatriz
Smith, SuzanneAlmy, Susan
Harding, Laurie
Pierce, David
Taylor, KathleenBenn, Bernard
Mirski, Paul
Reilly, Harold Sr
Townsend, CharlesCooney, Mary
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew**HILLSBOROUGH**Avard, Kevin
Campbell, David
Gidge, Kenneth
Katsiantonis, Thomas
Messier, Irene
Ramsey, Peter
Shaw, BarbaraBaroody, Benjamin
Christensen, D.L. Chris
Gonzalez, Carlos
LeBrun, Donald
Palmer, Barry
Rokas, Ted
Sullivan, DanielBrown, Kevin
Cote, David
Gorman, Mary
Levasseur, Nickolas
Pilotte, Maurice
Rosenwald, Cindy
Terrio, RossBrunelle, Michael
Gargas, Carolyn
Jeudy, Jean
Long, Patrick
Porter, Marjorie
Scotsas, Lisa**MERRIMACK**Bouchard, Candace
Foose, Robert
Kidder, David
Potter, Frances
Wallner, Mary JaneCox, Sean
Frazer, June
MacKay, James
Rice, Chip
Watrous, RickDeloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, RobertDeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen**ROCKINGHAM**Cali-Pitts, Jacqueline
DiPentima, Rich
Katsakiores, Phyllis
Nevins, Chris
Read, Robin Jr
Serlin, ChristopherCase, Frank
Elliott, Robert
Lovejoy, Patricia
Norelli, Terie
Sanders, Elisabeth
Sullivan, KevinCharron, Gene
Garrity, James
Lundgren, David
Pantelakos, Laura
Sapareto, Frank
Waddell, JamesCopeland, Timothy
Gould, Kenneth
McMahon, Charles
Powers, James
Schlachman, Donna**STRAFFORD**Berube, Roger
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, JanetBrown, Julie
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, DavidBrowne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, JudithGinsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale**SULLIVAN**Cloutier, John
Lovett, CharleneGagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr

Lefebvre, Benjamin

NAYS 212**BELKNAP**

Comtois, Guy
Malone, Robert
Swinford, Elaine

Fields, Dennis
Piliiod, James
Tilton, Franklin

Greemore, Robert
Russell, David
Tobin, William

Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

Tremblay, Marc

GRAFTON

Bradley, Lester
Ladd, Rick Jr

Bulis, Lyle
Simard, Paul

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Belvin, William
Burt, John
Christiansen, Lars
Day, Russell
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Robbins, David
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Coffey, James
Doherty, Shaun
Fredette, Robert
Haefner, Robert
Hinch, Richard
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Barry, Richard
Boehm, Ralph
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Hansen, Peter
Hogan, Edith
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Thomas, Joseph
Villeneuve, Moe

Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Daniels, Gary
Drisko, Richard
Gandia, Laura
Hardwick, Harry
Holden, Frank
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ober, Russell III
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Cohn, Seth
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Giuda, J. Brandon
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Softani, Tony

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Fesh, Robert

Allen, Mary
Bates, David
Chirichiello, Brian
Devine, James
Garcia, Marilinda

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Griffin, Mary

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Ferrante, Beverly
Hagan, Joseph

Headd, James
Kappler, Lawrence
Manuse, Andrew
Okerman, Richard
Reagan, John
Schroadter, Adam
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Oligny, Jeffrey
Reichard, Kevin
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

Introne, Robert
MacMahon, Bruce
McKinney, Betsy
Packard, Sherman
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Itse, Daniel
Major, Norman
O'Connor, John
Quandt, Marshall
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Leonard, Frederick Jr
PANEK, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Osgood, Joe
and floor amendment (1256h) failed.

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

Laware, Thomas

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

APPEAL OF THE RULING OF THE CHAIR

Rep. Gary Richardson appealed the ruling of the Chair whereby the Chair declared that the Gallery will remain closed for the remainder of the day.

The question being shall the ruling of the Chair be upheld?

Rep. Bettencourt moved the previous question.

The question being shall debate now be limited?

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 248 NAYS 114

YEAS 248

BELKNAP

Accornero, Harry
Luther, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Malone, Robert
Swinford, Elaine

Fields, Dennis
Millham, Alida
Tilton, Franklin

Greemore, Robert
Pilliod, James
Tobin, William

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbertson, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
 Belanger, James
 Brown, Kevin
 Cebrowski, John
 Coffey, James
 Day, Russell
 Erickson, Duane
 Gonzalez, Carlos
 Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 LeBrun, Donald
 McClarren, Donald
 Moran, Edward
 Ober, Russell III
 Pellegrino, Tony
 Reed, Michael
 Scontsas, Lisa
 Stepanek, Stephen
 Twombly, Timothy
 Whitehead, Randall

Balboni, Michael
 Belvin, William
 Brownrigg, Randall Jr
 Champagne, Norma
 Condra, William
 Doherty, Shaun
 Flanagan, Jack
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Infantine, William
 Maltz, Jonathan
 McGuinness, Sean
 Murphy, Keith
 Ohm, Bill
 Peterson, Lenette
 Renzullo, Andrew
 Seidel, Carl
 Swank, Matthew
 Ulery, Jordan

Barry, J. Gail
 Bergevin, Jerry
 Burt, John
 Christensen, D.L. Chris
 Cusson-Cail, Kathleen
 Donovan, Daniel
 Gagne, Larry
 Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Jasper, Shawn
 Marcus, Bruce
 Mecheski, Holly
 Notter, Jeanine
 Palmer, Barry
 Pratt, Calvin
 Robbins, David
 Silva, Peter
 Terrio, Ross
 Villeneuve, Moe

Barry, Richard
 Boehm, Ralph
 Buxton, Michael
 Christiansen, Lars
 Daniels, Gary
 Drisko, Richard
 Gargas, Carolyn
 Haefner, Robert
 Hikel, John
 Hopper, Gary
 Krasucki, Joseph
 McCarthy, Michael
 Messier, Irene
 Ober, Lynne
 Palmer, Stephen
 Ramsey, Peter
 Rowe, Robert
 Soucy, Connie
 Thomas, Joseph
 Warden, Mark

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Kidder, David
 Lindsley, Mark
 McGuire, Dan
 Smith, Molly

Coffey, Jennifer
 Hess, David
 Kotowski, Frank
 Lockwood, Priscilla
 Palfrey, David
 Winter, Steven

Cohn, Seth
 Hill, Gregory
 Kreis, Kenneth Sr
 McDonnell, John
 Reed, Dennis

Cox, Sean
 Hoell, J.R.
 Lauer-Rago, Kathleen
 McGuire, Carol
 Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Chirichiello, Brian
 Devine, James
 Fesh, Robert
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Mauro, Donna
 O'Connor, John
 Quandt, Marshall
 Rice, Frederick
 Schroadtter, Adam
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

Allen, Mary
 Bates, David
 Cali-Pitts, Jacqueline
 Comerford, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Hagan, Joseph
 Itse, Daniel
 Lundgren, David
 McKinney, Betsy
 Okerman, Richard
 Quandt, Matt
 Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Antosz, Jason
 Bettencourt, David
 Case, Frank
 Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Headd, James
 Kappler, Lawrence
 MacMahon, Bruce
 Murphy, Brian
 Oligny, Jeffrey
 Reagan, John
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

Azarian, Gary
 Birdsell, Regina
 Charron, Gene
 DeSimone, Debra
 Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Major, Norman
 Nevins, Chris
 Packard, Sherman
 Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

STRAFFORD

Andolina, Donald
 Hofemann, Roland
 Munck, Philip
 Parsons, Robbie
 Weeden, Michael

Cataldo, Sam
 Jones, Kyle
 Newton, Clifford
 Pitre, Joseph

DeLemus, Susan
 Jones, Laura
 O'Connor, William
 Vita, Carol

Groen, Warren
 Leonard, Frederick Jr
 Panek, William
 Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 114**BELKNAP**

Bolster, Peter

St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher

CHESHIRE

Butynski, William
Lerandeau, Alfred
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meador, David
Tatro, Bruce

Johnsen, Gladys
Moore, Charles
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Fredette, Robert
Goley, Jeffrey
Kurk, Neal
Pilotte, Maurice
Rokas, Ted
Vaillancourt, Steve

Brunelle, Michael
Gandia, Laura
Gorman, Mary
Lambert, George
Porter, Marjorie
Rosenwald, Cindy
Willette, Robert

Campbell, David
Garrity, Patrick
Jeudy, Jean
Levasseur, Nickolas
Proulx, Mark
Shaw, Barbara

Cote, David
Gidge, Kenneth
Katsiantonis, Thomas
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Patten, Dick
Seaworth, G. Brian
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Foose, Robert
MacKay, James
Rice, Chip
Soltani, Tony

ROCKINGHAM

Copeland, Timothy
McMahon, Charles
Perkins, Lawrence
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Powers, James

Lovejoy, Patricia
Pantelakos, Laura
Read, Robin Jr

Manuse, Andrew
Perkins, Amy
Schlachman, Donna

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the motion was adopted.

The question now being shall the ruling of the Chair be upheld?
Rep. Weber requested a roll call; sufficiently seconded.

YEAS 217 NAYS 146**YEAS 217****BELKNAP**

Accornero, Harry	Comtois, Guy	Fields, Dennis	Greemore, Robert
Luther, Robert	Malone, Robert	Pilliod, James	Russell, David
Swinford, Elaine	Tilton, Franklin	Tobin, William	

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

Byrnes, John	Cartwright, Anne	Hunt, John	Johnson, Jane
Moore, Charles	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tremblay, Marc			

GRAFTON

Bradley, Lester	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr	Simard, Paul
Sova, Charles			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Condra, William	Cusson-Cail, Kathleen	Daniels, Gary
Day, Russell	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Graham, John	Greazzo, Phil	Haefner, Robert	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Ohm, Bill	Palmer, Barry	Palmer, Stephen
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Reed, Michael
Renzullo, Andrew	Rowe, Robert	Scotsas, Lisa	Seidel, Carl
Silva, Peter	Soucy, Connie	Stepanek, Stephen	Swank, Matthew
Terrio, Ross	Thomas, Joseph	Twombly, Timothy	Vaillancourt, Steve
Villeneuve, Moe	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Hess, David
Hill, Gregory	Hoell, J.R.	Kidder, David	Kotowski, Frank

Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian

Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

Lindsley, Mark
Reed, Dennis
Soltani, Tony

McDonnell, John
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oligny, Jeffrey
Reichard, Kevin
Schroadder, Adam
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

Baldasaro, Alfred
Case, Frank
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Tucker, Pamela

Bates, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

STRAFFORD

Andolina, Donald
Leonard, Frederick Jr
Parsons, Robbie

Cataldo, Sam
Munck, Philip
Pitre, Joseph

Groen, Warren
O'Connor, William
Vita, Carol

Jones, Kyle
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas

NAYS 146

BELKNAP

Bolster, Peter

Millham, Alida

St. Cyr, Jeffrey

Worsman, Colette

CARROLL

Babson, David Jr

Merrow, Harry

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Lerandeau, Alfred
Sad, Tara

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Emerson, Susan
Meador, David
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Taylor, Kathleen

Almy, Susan
Harding, Laurie
Shackett, Jeffrey
Townsend, Charles

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne
White, Andrew

Cooney, Mary
Pastor, Beatriz
Sorg, Gregory

HILLSBOROUGH

Baroody, Benjamin
Gandia, Laura
Goley, Jeffrey

Brunelle, Michael
Gargas, Carolyn
Gonzalez, Carlos

Campbell, David
Garrrity, Patrick
Gorman, Mary

Cote, David
Gidge, Kenneth
Hansen, Peter

Infantine, William
Levasseur, Nickolas
Pilotte, Maurice
Rhodes, Brian
Shaw, Barbara

Jeady, Jean
Long, Patrick
Porter, Marjorie
Robbins, David
Sullivan, Daniel

Katsiantonis, Thomas
McCarthy, Michael
Proulx, Mark
Rokas, Ted
Ulery, Jordan

Lambert, George
Messier, Irene
Ramsey, Peter
Rosenwald, Cindy
Warden, Mark

MERRIMACK

Bouchard, Candace
Foose, Robert
Hamm, Christine
Owen, Derek
Richardson, Gary
Williams, Robert

Cox, Sean
Frazer, June
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
MacKay, James
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Giuda, J. Brandon
McGuire, Dan
Rice, Chip
Watrous, Rick

ROCKINGHAM

Allen, Mary
Copeland, Timothy
Lovejoy, Patricia
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher
Welch, David

Antosz, Jason
DiPentima, Rich
Lundgren, David
Perkins, Amy
Read, Robin Jr
Sullivan, Kevin

Brown, Paul
Gould, Kenneth
McMahon, Charles
Perkins, Lawrence
Ritter, Glenn
Waddell, James

Cali-Pitts, Jacqueline
Itse, Daniel
Norelli, Terie
Powers, James
Schlachman, Donna
Webb, James

STRAFFORD

Berube, Roger
Domingo, Baldwin
Hooper, Dorothea
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Julie
Ginsburg, Philip
Horrigan, Timothy
Newton, Clifford
Spainhower, Dale
Watters, David

Browne, Brendon
Grassie, Anne
Jones, Laura
Pelletier, Marsha
Spang, Judith
Weeden, Michael

DeLemus, Susan
Hofemann, Roland
Kaen, Naida
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew
and the ruling of the Chair was upheld.

Gagnon, Raymond
Smith, Steven

LaCasse, Paul Sr

Lefebvre, Benjamin

REGULAR CALENDAR – HB 1-A (CONT'D)

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Nordgren offered floor amendment (1257h).

Floor Amendment (1257h)

Amend the bill by inserting after section 22 the following new section and renumbering the remaining sections:

23 Department of Health and Human Services; Community Mental Health Services; Additional Appropriation. In addition to any other sums appropriated in section 1 of this act, the sum of \$12,647,000 for the fiscal year ending June 30, 2012, and \$12,517,000 for the fiscal year ending June 30, 2013, are hereby appropriated to the department of health and human services in account 05-95-92-920010-7010, class 502 Payments to Providers for the purposes of community mental health services for children and adults. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Rep. MacKay spoke in favor and requested a roll call; sufficiently seconded.

YEAS 134 NAYS 223

YEAS 134 BELKNAP

Accornero, Harry

Bolster, Peter

Millham, Alida

Pilliod, James

CARROLL

Knox, J. David Schmidt, Stephen

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Emerson, Susan
Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Sad, Tara	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Richardson, Herbert	Theberge, Robert	Thomas, Yvonne	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Mirski, Paul	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Reilly, Harold Sr	Shackett, Jeffrey
Smith, Suzanne	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Avard, Kevin	Baroody, Benjamin	Brown, Kevin	Brunelle, Michael
Campbell, David	Cote, David	Gargas, Carolyn	Garrity, Patrick
Gidge, Kenneth	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Hansen, Peter	Jeudy, Jean	Katsiantonis, Thomas	Lambert, George
LeBrun, Donald	Levasseur, Nickolas	Long, Patrick	Messier, Irene
Pilotte, Maurice	Porter, Marjorie	Ramsey, Peter	Rhodes, Brian
Rokas, Ted	Rosenwald, Cindy	Scotsas, Lisa	Shaw, Barbara
Sullivan, Daniel	Terrio, Ross		

MERRIMACK

Bouchard, Candace	Cox, Sean	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hamm, Christine
Kidder, David	MacKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Antosz, Jason	Case, Frank	Charron, Gene	Copeland, Timothy
DiPentima, Rich	Katsakiores, Phyllis	Lovejoy, Patricia	Lundgren, David
McMahon, Charles	Nevins, Chris	Norelli, Terie	O'Connor, John
Pantelakos, Laura	Powers, James	Read, Robin Jr	Sanders, Elisabeth
Sapareto, Frank	Schlachman, Donna	Sullivan, James	Sullivan, Kevin
Waddell, James			

STRAFFORD

Berube, Roger	Brown, Julie	Domingo, Baldwin	Ginsburg, Philip
Grassie, Anne	Hofemann, Roland	Hooper, Dorothea	Horrigan, Timothy
Kaen, Naida	Keans, Sandra	Pelletier, Marsha	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Sprague, Dale
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
Schmidt, Andrew			

NAYS 223**BELKNAP**

Comtois, Guy	Fields, Dennis	Greemore, Robert	Luther, Robert
Malone, Robert	Russell, David	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Tobin, William	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Tregenza, Norman	Umberger, Karen

CHESHIRE

Byrnes, John	Cartwright, Anne	Hunt, John	Johnson, Jane
Moore, Charles	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr

COOS

Daugherty, Duffy	Rappaport, Laurence	Tremblay, Marc
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GRAFTON

Bradley, Lester	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Ladd, Rick Jr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christensen, D.L. Chris	Coffey, James	Condra, William
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Graham, John
Greazzo, Phil	Haefner, Robert	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Ohm, Bill	Palmer, Barry	Palmer, Stephen
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Proulx, Mark
Reed, Michael	Renzullo, Andrew	Robbins, David	Rowe, Robert
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Stepanek, Stephen	Swank, Matthew	Thomas, Joseph	Twombly, Timothy
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Whitehead, Randall
Willette, Robert			

MERRIMACK

Blankenkaker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hess, David	Hill, Gregory	Hoell, J.R.	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lindsley, Mark	Lockwood, Priscilla
McDonnell, John	McGuire, Carol	McGuire, Dan	Palfrey, David
Reed, Dennis	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
Smith, Todd	Soltani, Tony		

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Birdsell, Regina	Brown, Paul
Chirichiello, Brian	Comerford, Timothy	Davenport, Joshua	DeSimone, Debra
Devine, James	Duarte, Joe	Elliott, Robert	Ferrante, Beverly
Fesh, Robert	Garcia, Marilinda	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Kolodziej, Walter	MacMahon, Bruce
Major, Norman	Manuse, Andrew	Mauro, Donna	McKinney, Betsy
Murphy, Brian	Okerman, Richard	Oigny, Jeffrey	Packard, Sherman
Perkins, Amy	Perkins, Lawrence	Quandt, Matt	Reagan, John

Reichard, Kevin
Sedensky, John
Sytek, John
Ward, Joanne
Weyler, Kenneth

Rice, Frederick
Sheffert, Kenneth
Tamburello, Daniel
Waterhouse, Kevin
Wheaton, Gary

Ritter, Glenn
Shuler, Wyman III
Tremblay, Stella
Webb, James

Schroadter, Adam
Smith, William
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Leonard, Frederick Jr
PANEK, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

and floor amendment (1257h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Nordgren offered floor amendment (1258h).

Floor Amendment (1258h)

Amend the bill by inserting after section 22 the following new section and renumbering the remaining sections:

23 Department of Health and Human Services; Alcohol and Drug Abuse Prevention Intervention and Treatment; Additional Appropriation. In addition to any other sums appropriated in section 1 of this act, the sum of \$1,493,000 for the fiscal year ending June 30, 2012, and \$1,512,000 for the fiscal year ending June 30, 2013, are hereby appropriated to the department of health and human services in account 05-95-95-958410-1388, class 102 Contracts for program services for the purposes of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Rep. Butynski spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 112 NAYS 240

YEAS 112 BELKNAP

Bolster, Peter

Fields, Dennis

Pilliod, James

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Sad, Tara
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Smith, Edwin
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sterling, Franklin Jr

Emerson, Susan
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn

Barry, J. Gail
Garrity, Patrick

Brown, Kevin
Gidge, Kenneth

Cote, David
Goley, Jeffrey

Gonzalez, Carlos
Lambert, George
Porter, Marjorie
Rosenwald, Cindy
Whitehead, Randall

Gorman, Mary
Levasseur, Nickolas
Ramsey, Peter
Scontsas, Lisa

Jeudy, Jean
Messier, Irene
Rhodes, Brian
Shaw, Barbara

Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Rice, Chip
Watrous, Rick

Deloge, Helen
Gile, Mary
Palfrey, David
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

Foose, Robert
MacKay, James
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

Case, Frank
Nevins, Chris
Perkins, Lawrence
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Powers, James

Katsakiores, Phyllis
Pantelakos, Laura
Read, Robin Jr

STRAFFORD

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Schmidt, Peter
Watters, David

Brown, Julie
Grassie, Anne
Kaen, Naida
Spainhower, Dale

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spang, Judith

Domingo, Baldwin
Hooper, Dorothea
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 240

BELKNAP

Accornero, Harry
Malone, Robert
Tilton, Franklin

Comtois, Guy
Millham, Alida
Tobin, William

Greemore, Robert
Russell, David
Worsman, Colette

Luther, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Scala, Dino

Babson, David Jr
Morrow, Harry
Schmidt, Stephen

Chandler, Gene
Patten, Betsey
Tregenza, Norman

Fleck, Joseph
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Hunt, John

Johnson, Jane

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Ingbretson, Paul
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma

Balboni, Michael
Belvin, William
Burt, John
Christensen, D.L. Chris

Ball, J. Michael
Bergevin, Jerry
Buxton, Michael
Coffey, James

Barry, Richard
Boehm, Ralph
Cebrowski, John
Condra, William

Cusson-Cail, Kathleen
 Drisko, Richard
 Gagne, Larry
 Haefner, Robert
 Hikel, John
 Hopper, Gary
 Krasucki, Joseph
 Marcus, Bruce
 Mechski, Holly
 Ober, Lynne
 Palmer, Stephen
 Proulx, Mark
 Rowe, Robert
 Soucy, Connie
 Thomas, Joseph
 Villeneuve, Moe

Daniels, Gary
 Erickson, Duane
 Gandia, Laura
 Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 Kurk, Neal
 McCarthy, Michael
 Moran, Edward
 Ober, Russell III
 Pellegrino, Tony
 Reed, Michael
 Seidel, Carl
 Stepanek, Stephen
 Twombly, Timothy
 Willette, Robert

Doherty, Shaun
 Flanagan, Jack
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Infantine, William
 LeBrun, Donald
 McClarren, Donald
 Murphy, Keith
 Ohm, Bill
 Peterson, Lenette
 Renzullo, Andrew
 Silva, Peter
 Swank, Matthew
 Ulerly, Jordan

Donovan, Daniel
 Fredette, Robert
 Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Jasper, Shawn
 Maltz, Jonathan
 McGuinness, Sean
 Notter, Jeanine
 Palmer, Barry
 Pratt, Calvin
 Robbins, David
 Simmons, Tammy
 Terrio, Ross
 Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
 Hess, David
 Kotowski, Frank
 Lockwood, Priscilla
 Reed, Dennis
 Smith, Todd

Cohn, Seth
 Hill, Gregory
 Kreis, Kenneth Sr
 McDonnell, John
 Sanborn, Laurie
 Soltani, Tony

Cox, Sean
 Hoell, J.R.
 Lauer-Rago, Kathleen
 McGuire, Carol
 Seaworth, G. Brian
 Winter, Steven

Giuda, J. Brandon
 Kidder, David
 Lindsley, Mark
 McGuire, Dan
 Smith, Molly

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Copeland, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Hagan, Joseph
 Itse, Daniel
 MacMahon, Bruce
 McKinney, Betsy
 Okerman, Richard
 Quandt, Matt
 Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Waterhouse, Kevin
 Wheaton, Gary

Allen, Mary
 Bates, David
 Charron, Gene
 Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Headd, James
 Kappler, Lawrence
 Major, Norman
 McMahon, Charles
 Oigny, Jeffrey
 Reagan, John
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tucker, Pamela
 Webb, James

Antosz, Jason
 Bettencourt, David
 Chirichiello, Brian
 DeSimone, Debra
 Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Kolodziej, Walter
 Manuse, Andrew
 Murphy, Brian
 Packard, Sherman
 Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Sytek, John
 Waddell, James
 Welch, David

Azarian, Gary
 Birdsell, Regina
 Comerford, Timothy
 Devine, James
 Fesh, Robert
 Griffin, Mary
 Introne, Robert
 Lundgren, David
 Mauro, Donna
 O'Connor, John
 Quandt, Marshall
 Rice, Frederick
 Schroadter, Adam
 Smith, William
 Tamburello, Daniel
 Ward, Joanne
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Newton, Clifford
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 O'Connor, William
 Vita, Carol

DeLemus, Susan
 Leonard, Frederick Jr
 Panek, William
 Vita, Lucien

Groen, Warren
 Munck, Philip
 Parsons, Robbie
 Weeden, Michael

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

and floor amendment (1258h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Foose offered floor amendment (1261h).

Floor Amendment (1261h)

Amend the bill by inserting after section 22 the following new sections and renumbering the remaining sections:

23 Community College System; Additional Appropriation. In addition to any other sums appropriated to the community college system of New Hampshire, the sum of \$6,000,000 in each fiscal year of the biennium ending June 30, 2013 is hereby appropriated to the community college system of New Hampshire. The governor shall draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

24 University System of New Hampshire; Additional Appropriation. In addition to any other sums appropriated to the university system of New Hampshire, the sum of \$25,000,000 in each fiscal year of the biennium ending June 30, 2013 is hereby appropriated to the university system of New Hampshire, accounting unit 06-50-50-5060-1855 (University System of NH). The governor shall draw a warrant for said sums from any money in the treasury not otherwise appropriated. Rep. Foose spoke in favor and requested a roll call; sufficiently seconded.

YEAS 106 NAYS 251

YEAS 106 BELKNAP

Bolster, Peter St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Johnsen, Gladys
Lerandeau, Alfred	Lindsey, Steven	Meador, David	Parkhurst, Henry
Sad, Tara	Tatro, Bruce	Weber, Lucy	Weed, Charles

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Shackett, Jeffrey	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Cote, David	Drisko, Richard
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Judy, Jean	Katsiantonis, Thomas	Levasseur, Nickolas	Long, Patrick
Messier, Irene	Pilote, Maurice	Porter, Marjorie	Ramsey, Peter
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara
Sullivan, Daniel			

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Kidder, David	MacKay, James
Owen, Derek	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Gould, Kenneth	Lovejoy, Patricia
Lundgren, David	Norelli, Terie	Pantelakos, Laura	Powers, James
Read, Robin Jr	Schlachman, Donna	Serlin, Christopher	Sullivan, Kevin

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

Brown, Julie
Grassie, Anne
Keans, Sandra
Spang, Judith

Browne, Brendon
Hofemann, Roland
Roberts, Jenna
Sprague, Dale

Domingo, Baldwin
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 251**BELKNAP**

Accornero, Harry
Luther, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Malone, Robert
Swinford, Elaine

Fields, Dennis
Millham, Alida
Tilton, Franklin

Greemore, Robert
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
McConkey, Mark
Scala, Dino

Babson, David Jr
Morrow, Harry
Schmidt, Stephen

Chandler, Gene
Patten, Betsey
Tregenza, Norman

Fleck, Joseph
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Mirski, Paul
Sova, Charles

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Robbins, David
Silva, Peter
Swank, Matthew
Vaillancourt, Steve

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Day, Russell
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Twombly, Timothy
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
Giuda, J. Brandon	Hess, David	Hill, Gregory	Hoell, J.R.
Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lindsley, Mark
Lockwood, Priscilla	McDonnell, John	McGuire, Carol	McGuire, Dan
Palfrey, David	Patten, Dick	Reed, Dennis	Sanborn, Laurie
Seaworth, G. Brian	Smith, Molly	Smith, Todd	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Abraham, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Bettencourt, David	Birdsell, Regina
Brown, Paul	Case, Frank	Charron, Gene	Chirichiello, Brian
Comerford, Timothy	Copeland, Timothy	Davenport, Joshua	DeSimone, Debra
Devine, James	Duarte, Joe	Elliott, Robert	Ferrante, Beverly
Fesh, Robert	Garcia, Marilinda	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
MacMahon, Bruce	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Oigny, Jeffrey	Packard, Sherman
Perkins, Amy	Perkins, Lawrence	Quandt, Marshall	Reagan, John
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sapareto, Frank	Schroader, Adam	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sytek, John
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Waddell, James
Ward, Joanne	Waterhouse, Kevin	Webb, James	Welch, David
Weyler, Kenneth	Wheaton, Gary		

STRAFFORD

Andolina, Donald	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Kyle	Jones, Laura	Leonard, Frederick Jr	Munck, Philip
Newton, Clifford	O'Connor, William	Panek, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly
Smith, Steven			

and floor amendment (1261h) failed.

Rep. Terrio declared a conflict of interest and did not participate.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Emerson offered floor amendment (1306h).

Floor Amendment (1306h)

1 Children in Need of Services; Appropriation. In addition to any other sums appropriated in section 1 of this act, the sum of \$5,836,030 for the fiscal year ending June 30, 2012, and the sum of \$8,016,332 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-40-403010-5855 for the purposes of funding programs for children in need of services. Of this amount:

I. The sum of \$3,648,000 for the fiscal year 2012 and the sum of \$5,009,999 for fiscal year 2013 shall be general funds. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The remainder of the sums appropriated shall be charges to the following funds:

	<u>FY 2012</u>	<u>FY 2013</u>
(a) Federal	\$1,924,852	\$2,647,574
(b) Other	\$263,178	\$358,759

2 Domestic Violence Programs; Appropriation. In addition to any other sums appropriated in section 1 of this act, the sum of \$150,000 for the fiscal year ending June 30, 2012, and the sum of \$150,000 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-40-403010-6040, class 073 Grants-Nonfederal for the purpose of domestic violence programs. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Head Start State Collaboration; Appropriation. In addition to any other sums appropriated in section 1 of this act, the sum of \$297,393 for the fiscal year ending June 30, 2012, and the sum of \$297,393 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-40-403510-5694, for the purposes of the Head Start State Collaboration. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Unemployed Parent Program; Employment and Training Services; Appropriation. In addition to any other sums appropriated in section 1 of this act, the sum of \$500,000 for the fiscal year ending June 30, 2012 and the sum of \$500,000 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-45-450010-6127, for the purposes of employment and training services for the unemployed parent program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Department of Health and Human Services; Unemployed Parent Program; Appropriation. In addition to any other sums appropriated in section 1 of this act, the sum of \$1,755,643 for the fiscal year ending June 30, 2012 and the sum of \$1,761,642 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-45-450010-6176, for the purposes of the unemployed parent program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Department of Health and Human Services; Foster Grandparents Program. In addition to any other sums appropriated in section 1 of this act, the sum of \$53,802 for the fiscal year ending June 30, 2012 and the sum of \$53,898 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-48-481010-8918, for the purposes of the New Hampshire foster grandparents program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Department of Health and Human Services; Retired Senior Volunteer Program. In addition to any other sums appropriated in section 1 of this act, the sum of \$72,761 for the fiscal year ending June 30, 2012 and the sum of \$73,256 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-48-481010-8919, for the purposes of the Retired Senior Volunteer Program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

8 Department of Health and Human Services; Alzheimer's Disease and Related Disorders and Caregivers Program. In addition to any other sums appropriated in section 1 of this act, the sum of \$320,825 for the fiscal year ending June 30, 2012 and the sum of \$321,265 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-48-481010-8943, for the purposes of the Alzheimer's Disease and Related Disorders and Caregivers program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Department of Health and Human Services; ServiceLink Program. In addition to any other sums appropriated in section 1 of this act, the sum of \$641,102 for the fiscal year ending June 30, 2012 and the sum of \$640,811 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-48-481010-9565, for the purposes of providing state funding for the ServiceLink program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

10 Department of Health and Human Services; Community Health Services. In addition to any other sums appropriated in section 1 of this act, the sum of \$175,000 for the fiscal year ending June 30, 2012 and the sum of \$175,000 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-90-902010-5190, for the purposes of community health services including child health services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

11 Department of Health and Human Services; Child Health Services. In addition to any other sums appropriated in section 1 of this act, the sum of \$75,000 for the fiscal year ending June 30, 2012, and the sum of \$75,000 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-90-902010-5194, for the purposes of child health services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

12 Department of Health and Human Services; WIC Supplemental Farmer's Market Program. In addition to any other sums appropriated in section 1 of this act, the sum of \$96,630 for the fiscal year ending June 30, 2012, and the sum of \$96,630 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-90-902010-5260, for the purposes of the WIC supplemental nutrition farmer's market program. Of this amount:

I. The sum of \$10,000 for the fiscal year 2012 and the sum of \$10,000 for fiscal year 2013 shall be general funds. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The remainder of the sums appropriated shall be charges to the following funds:

	<u>FY 2012</u>	<u>FY 2013</u>
(a) Federal	\$86,630	\$86,630

13 Department of Health and Human Services; Prevention of Sexually Transmitted Diseases. In addition to any other sums appropriated in section 1 of this act, the sum of \$344,141 for the fiscal year ending June 30, 2012, and the sum of \$343,961 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-90-902510-2227, for the purposes of prevention of sexually transmitted diseases. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

14 Department of Health and Human Services; Community Mental Health Services for Children and Adults. In addition to any other sums appropriated in section 1 of this act, the sum of \$25,319,294 for the fiscal year ending June 30, 2012, and the sum of \$25,059,034 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-92-920010-7010, for the purposes of community mental health services for children and adults. Of this amount:

I. The sum of \$12,647,000 for the fiscal year 2012 and the sum of \$12,517,000 for fiscal year 2013 shall be general funds. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The remainder of the sums appropriated shall be charges to the following funds:

	<u>FY 2012</u>	<u>FY 2013</u>
(a) Federal	\$12,672,294	\$12,542,034

15 Department of Health and Human Services; Appropriation; Medicaid Family Support, Non-Waiver Targeted Case Management; and Independent Living Supports. In addition to any other sums appropriated in section 1 of this act, the sum of \$9,653,746 for the fiscal year ending June 30, 2012, and the sum of \$9,488,551 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-93-930010-7100, for the purposes of Medicaid family support, non-waiver targeted case management, and independent living supports for the developmentally disabled. Of this amount:

I. The sum of \$4,822,051 for the fiscal year 2012 and the sum of \$4,739,536 for fiscal year 2013 shall be general funds. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The remainder of the sums appropriated shall be charges to the following funds:

	<u>FY 2012</u>	<u>FY 2013</u>
(a) Federal	\$4,831,695	\$4,749,015

16 Department of Health and Human Services; Appropriation; Individuals With Acquired Brain Disorder. In addition to any other sums appropriated in section 1 of this act, the sum of \$706,632 for the fiscal year ending June 30, 2012 and the sum of \$706,424 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-93-930010-7016, for the purposes of Medicaid family support and independent living supports for individuals with an acquired brain disorder. Of this amount:

I. The sum of \$352,828 for the fiscal year 2012 and the sum of \$352,859 for fiscal year 2013 shall be general funds. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The remainder of the sums appropriated shall be charges to the following funds:

	<u>FY 2012</u>	<u>FY 2013</u>
(a) Federal	\$353,534	\$353,565

17 Department of Health and Human Services; Appropriation; Family Support Services. In addition to any other sums appropriated in section 1 of this act, the sum of \$1,772,650 for the fiscal year ending June 30, 2012 and the sum of \$1,810,426 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-93-930010-7013 class 102 contracts for program services, for the purposes of family support services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

18 New Hampshire Alliance of Drug and Alcohol Counselors Statewide Conference; Appropriation. In addition to any other sums appropriated in section 1 of this act, the sum of \$40,000 for the fiscal year ending June 30, 2013 is hereby appropriated to the department of health and human services in account 05-95-95-958410-1388, class 102 contracts for program services for the purposes of the New Hampshire alliance of drug and alcohol counselors statewide conference. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

19 Department of Environmental Services; Laboratory Services.

I. The sum of \$2,445,468 in fiscal year 2012 and the sum of \$2,445,468 in fiscal year 2013 are hereby appropriated to department of environmental services for the purpose of restoring laboratory services (accounting unit 03-44-44-440010-1011) with 24 positions in the department of environmental services. This appropriation is in addition to any other funds appropriated to the department of environmental services. The appropriation shall be a charge against the appropriate funds as follows

	<u>FY 2012</u>	<u>FY 2013</u>
General Funds	\$2,063,904	\$2,063,904
Other Funds	\$381,564	\$381,564

II. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Rep. Emerson spoke in favor and withdrew floor amendment (1306h).

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Hatch offered floor amendment (1321h).

Floor Amendment (1321h)

1 Head Start State Collaboration; Appropriation. In addition to any other sums appropriated in section 1 of this act, the sum of \$297,393 for the fiscal year ending June 30, 2012, and the sum of \$297,393 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-40-403510-5694, for the purposes of the Head Start State Collaboration. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Rep. Schlachman spoke in favor and requested a roll call; sufficiently seconded.

YEAS 107 NAYS 254**YEAS 107****BELKNAP**

Bolster, Peter

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Lerandeau, Alfred
Sad, Tara

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Emerson, Susan
Meador, David
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Cote, David	Drisko, Richard
Flanagan, Jack	Gargas, Carolyn	Garritty, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Judy, Jean	Katsiantonis, Thomas
Levasseur, Nickolas	Long, Patrick	Messier, Irene	Pilotte, Maurice
Porter, Marjorie	Ramsey, Peter	Rhodes, Brian	Rokas, Ted
Rosenwald, Cindy	Shaw, Barbara	Sullivan, Daniel	Terrio, Ross

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	MacKay, James
Owen, Derek	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	DiPentima, Rich	Lovejoy, Patricia
Pantelakos, Laura	Perkins, Lawrence	Powers, James	Read, Robin Jr
Reichard, Kevin	Schlachman, Donna	Serlin, Christopher	

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Hofemann, Roland	Hooper, Dorothea
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Sprague, Dale
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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NAYS 254**BELKNAP**

Accornero, Harry	Comtois, Guy	Fields, Dennis	Greemore, Robert
Luther, Robert	Malone, Robert	Millham, Alida	Pilliod, James
Russell, David	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin
Tobin, William	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John	Cartwright, Anne	Hunt, John	Johnson, Jane
Moore, Charles	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Mirski, Paul	Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris
Christiansen, Lars	Coffey, James	Condra, William	Cusson-Cail, Kathleen
Daniels, Gary	Day, Russell	Doherty, Shaun	Donovan, Daniel
Erickson, Duane	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Ohm, Bill	Palmer, Barry	Palmer, Stephen
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Proulx, Mark
Reed, Michael	Renzullo, Andrew	Robbins, David	Rowe, Robert
Scotsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy
Soucy, Connie	Stepanek, Stephen	Swank, Matthew	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
Giuda, J. Brandon	Hess, David	Hill, Gregory	Hoell, J.R.
Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
Lindsley, Mark	Lockwood, Priscilla	McDonnell, John	McGuire, Carol
McGuire, Dan	Palfrey, David	Reed, Dennis	Sanborn, Laurie
Seaworth, G. Brian	Smith, Molly	Soltani, Tony	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Birdsell, Regina	Brown, Paul
Charron, Gene	Chirichiello, Brian	Cornford, Timothy	Copeland, Timothy
Davenport, Joshua	DeSimone, Debra	Devine, James	Duarte, Joe
Elliott, Robert	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Gould, Kenneth	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter	Lundgren, David
MacMahon, Bruce	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Oligny, Jeffrey	Packard, Sherman
Perkins, Amy	Quandt, Marshall	Reagan, John	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank	Schroadter, Adam
Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Sullivan, James	Sullivan, Kevin	Sytek, John	Tamburello, Daniel
Tasker, Kyle	Tremblay, Stella	Tucker, Pamela	Waddell, James
Ward, Joanne	Waterhouse, Kevin	Webb, James	Welch, David
Weyler, Kenneth	Wheaton, Gary		

STRAFFORD

Andolina, Donald	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Kyle	Jones, Laura	Leonard, Frederick Jr	Munck, Philip

Newton, Clifford
Pitre, Joseph

O'Connor, William
Vita, Carol

Panek, William
Vita, Lucien

Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and floor amendment (1321h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Hatch offered floor amendment (1322h).

Floor Amendment (1322h)

1 Department of Health and Human Services; ServiceLink Program. In addition to any other sums appropriated in section 1 of this act, the sum of \$641,102 for the fiscal year ending June 30, 2012 and the sum of \$640,811 for the fiscal year ending June 30, 2013 are hereby appropriated to the department of health and human services in account 05-95-48-481010-9565, for the purposes of providing state funding for the ServiceLink program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.
Rep. Hatch spoke in favor and requested a roll call; sufficiently seconded.

YEAS 106 NAYS 249

YEAS 106

BELKNAP

Millham, Alida

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Lerandeau, Alfred
Sad, Tara

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Emerson, Susan
Meador, David
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Barry, J. Gail
Drisko, Richard
Gorman, Mary
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Garrity, Patrick
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted

Campbell, David
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Gile, Mary
Palfrey, David
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
Potter, Frances
Watrous, Rick

DeStefano, Stephen
MacKay, James
Richardson, Gary
Williams, Robert

Frazer, June
Owen, Derek
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Perkins, Lawrence
Serlin, Christopher

Case, Frank
Norelli, Terie
Powers, James

DiPentima, Rich
Pantelakos, Laura
Read, Robin Jr

Katsakiores, Phyllis
Perkins, Amy
Schlachman, Donna

STRAFFORD

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spang, Judith

Domingo, Baldwin
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 249**BELKNAP**

Accornero, Harry
Greemore, Robert
St. Cyr, Jeffrey
Worsman, Colette

Bolster, Peter
Luther, Robert
Swinford, Elaine

Comtois, Guy
Malone, Robert
Tilton, Franklin

Fields, Dennis
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Ingbreton, Paul
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Day, Russell
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred

Ball, J. Michael
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William

Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn

Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Moran, Edward	Murphy, Keith
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Pellegrino, Tony	Peterson, Lenette
Proulx, Mark	Reed, Michael	Renzullo, Andrew	Robbins, David
Rowe, Robert	Scotsas, Lisa	Seidel, Carl	Silva, Peter
Simmons, Tammy	Soucy, Connie	Stepanek, Stephen	Swank, Matthew
Terrio, Ross	Thomas, Joseph	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
Giuda, J. Brandon	Hess, David	Hill, Gregory	Hoell, J.R.
Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
Lindsley, Mark	Lockwood, Priscilla	McDonnell, John	McGuire, Carol
McGuire, Dan	Patten, Dick	Reed, Dennis	Sanborn, Laurie
Seaworth, G. Brian	Smith, Molly	Soltani, Tony	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Birdsell, Regina	Brown, Paul
Charron, Gene	Chirichiello, Brian	Comerford, Timothy	Davenport, Joshua
DeSimone, Debra	Devine, James	Duarte, Joe	Elliott, Robert
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Garrity, James
Gould, Kenneth	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Introne, Robert	Itse, Daniel	Kappler, Lawrence
Lundgren, David	MacMahon, Bruce	Major, Norman	Manuse, Andrew
Mauro, Donna	McKinney, Betsy	McMahon, Charles	Murphy, Brian
Nevins, Chris	O'Connor, John	Okerman, Richard	Oigny, Jeffrey
Packard, Sherman	Reagan, John	Reichard, Kevin	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank	Schroadter, Adam
Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Sullivan, James	Sullivan, Kevin	Sytek, John	Tamburello, Daniel
Tasker, Kyle	Tremblay, Stella	Tucker, Pamela	Waddell, James
Ward, Joanne	Waterhouse, Kevin	Webb, James	Welch, David
Weyler, Kenneth	Wheaton, Gary		

STRAFFORD

Andolina, Donald	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Kyle	Jones, Laura	Leonard, Frederick Jr	Munck, Philip
Newton, Clifford	O'Connor, William	Panek, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	Weeden, Michael

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly

and floor amendment (1322h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Campbell spoke against and yielded to questions.

Reps. Almy, Baroody, Horrigan, Hatch, Benn, Nordgren, Harding, Pierce, DiPentima, Spang, Hamm and Wallner spoke against.

Rep. Gonzalez spoke against and yielded to questions.

Reps. Vaillancourt and Bettencourt spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 243 NAYS 124**YEAS 243****BELKNAP**

Accomero, Harry
Luther, Robert
Swinford, Elaine

Comtois, Guy
Malone, Robert
Tilton, Franklin

Fields, Dennis
Pilliod, James
Tobin, William

Greemore, Robert
Russell, David
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Erickson, Duane
Gandia, Laura
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Robbins, David
Silva, Peter
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Balasar, Alfred

Allen, Mary
Bates, David

Antosz, Jason
Bettencourt, David

Azarian, Gary
Birdsell, Regina

Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Oligny, Jeffrey
Rice, Frederick
Schroadtter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Lundgren, David
Mauro, Donna
Nevins, Chris
Packard, Sherman
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 124

BELKNAP

Bolster, Peter

Millham, Alida

St. Cyr, Jeffrey

CARROLL

Knox, J. David

Schmidt, Stephen

CHESHIRE

Butynski, William
Johnsen, Gladys
Meador, David
Weber, Lucy

Carr, Daniel
Johnson, Jane
Parkhurst, Henry
Weed, Charles

Chase, Cynthia
Lerandau, Alfred
Sad, Tara

Emerson, Susan
Lindsey, Steven
Tatro, Bruce

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Townsend, Charles

Almy, Susan
Harding, Laurie
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Day, Russell
Gimas, John
Judy, Jean
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Gargas, Carolyn
Goley, Jeffrey
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

Campbell, David
Garrity, Patrick
Gonzalez, Carlos
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy

Cote, David
Gidge, Kenneth
Gorman, Mary
Long, Patrick
Ramsey, Peter
Shaw, Barbara

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Kidder, David
Lockwood, Priscilla	MacKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Shurtleff, Stephen
Soltani, Tony	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	Copeland, Timothy	DiPentima, Rich
Gould, Kenneth	Katsakiores, Phyllis	Lovejoy, Patricia	Norelli, Terie
Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence	Powers, James
Quandt, Marshall	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher
Webb, James			

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Hofemann, Roland	Hooper, Dorothea
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Sprague, Dale
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Jasper moved that the House reconsider its action whereby, on a roll call vote of 243-124, it adopted the majority committee report of Ought to Pass with Amendment on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

Rep. Jasper spoke against.

On a division vote, 104 members having voted in the affirmative and 260 in the negative, the motion failed.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A.

Reps. Aguiar, Almy, Baroody, Benn, Berube, Julie Brown, Brendon Browne, Brunelle, Butynski, Cali-Pitts, Carr, Chase, Cloutier, Cote, Coulombe, Deloge, DeStefano, DiPentima, Domingo, Frazer, Gagnon, Patrick Garrity, Gidge, Gile, Ginsburg, Goley, Gorman, Franklin Gould, Grassie, Hamm, Hofemann, Dorothea Hooper, Jeudy, Gladys Johnsen, Kaen, Katsiantonis, Sandra Keans, Lefebvre, Lerandau, Levasseur, Long, Lovejoy, MacKay, Merrick, Moody, Nordgren, Pantelakos, Parkhurst, Pastor, Dick Patten, Pierce, Porter, Potter, Powers, Robin Read, Chip Rice, Jenna Roberts, Rokas, Rosenwald, Schlachman, Peter Schmidt, Shaw, Suzanne Smith, Spainhower, Spang, Yvonne Thomas, Watters, Weed and Williams.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A because this budget will be devastating to our state.

Rep. Norelli.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A because this budget will do irreparable harm to our state.

Rep. Wallner.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A. We in New Hampshire can do better for all our citizens.
Rep. Weber.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A. I submit my protest to passage of HB 1 based on the unacceptable and likely irreparable harm to my community, children, the poor, the elderly, those with mental illness, and to public employees. There were other options.
Rep. White.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A for the specific reason that this budget is irresponsible, immoral, and will lead to lasting harm to our most vulnerable while asking no sacrifices of those most able to sustain them.
Rep. Serlin.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A. This budget inappropriately hurts the poor and the sick.
Rep. Andrew Schmidt.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A. The reduction in certain taxes, i.e., cigarette tax and room and meals tax was never requested by the people and was not warranted thereby resulting in the lack of revenue for critical programs.
Rep. Theberge.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A. I protest that this budget was based on unrealistically low estimates forcing cuts in DHHS programs and services.
Rep. Cooney.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A. I also protest HB 2 and HB 519, if it is in order to do so, as well as the clearing of the Gallery on Thursday 3-31-11.
Rep. Horrigan.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A and HB 2-FN-A-L, violations of Part II, Article 18-a and Part II, Article 8 of the New Hampshire Constitution.
Rep. Watrous.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 1-A, violations of Part II, Article 18-a and Part II, Article 8 of the New Hampshire Constitution.
Rep. Steven Lindsey.

MOTION TO PRINT REMARKS

Rep. Jasper moved that the remarks made by the last two speakers and the parliamentary inquiries on the vote of Ought to Pass with Amendment on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013, be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Wallner: Thank you, Mister Speaker. Colleagues, our nation and our state are going through difficult times. The national economic recession is having a significant impact on our state resources and many of our family members, friends and neighbors are struggling and many are without jobs. Now is not the time for government to turn away from citizens in need, now is the time to work together to help our citizens. Children in need of services will be left with no guidance and supervision and nowhere to turn. The families of developmentally disabled children will lose their support network. Adults and families with drug and alcohol addiction will lose their treatment services. Victims of domestic violence will no longer have court advocates or shelter care. Children and adults with mental illness will lose counseling. College students and their families will pay higher tuitions. High school students attending the career technical centers will not be able to complete their studies and families with elders suffering from Alzheimer's disease will lose their caregiver support programs. Unemployed workers who need job training will lose those programs. The destructive budget cuts in this bill will damage our state long into the future. It will profoundly change the New Hampshire that we know and love and where we have raised our families. This budget is a job killer. Where in this budget is the promise of job development? The budget threatens the jobs of thousands of New Hampshire's workers. For every service that is cut, we also cut the job that keeps that service operating. Not only does a developmentally disabled person lose their necessary services, but the home care aide who helps that person, loses their job. We value New Hampshire workers, the teachers who teach our children and lay the foundation to the future, the state employees who fill potholes in our streets and protect our drinking water, the municipal and county employees who guard our prisons and care for our loved ones in nursing homes, the police who keep us safe, the firefighters who protect our lives. They should all be given the respect their profession deserves. This budget will increase our property taxes as many services will fall to the county and local level. Towns and cities will lose revenue sharing and highway betterment money as well as cuts to education funding. Because of the national recession and the loss of jobs, the loss of homes and the increased use of services from the Department of Health and Human Services, more people have needed our help than ever before. We can and we must do better for our children, our working families, our elderly and our citizens who need our help. If this budget passes, it will be noted as a black stain on New Hampshire's history. It will be remembered as a time when we turned our back on our citizens when they needed us the most. If this devastating budget passes, it will kill the soul of New Hampshire. Thank you, Mister Speaker and I urge the members to vote no and I ask for a roll call.

Rep. Bettencourt: Thank you, Mister Speaker. Members of the House, any discussion of this budget must begin with an acknowledgement and thank you to the members of the Finance Committee who dedicated considerable amounts of their time and energy in putting together this extraordinarily difficult budget. It is estimated that they spent approximately 360 hours since February 15th, gathering information from the public and department heads to ensure that the work before us today is worthy of our consideration. Upon reflecting on their task to balance the many compelling and competing needs of our citizens, with our state's revenues that still very much bear the weight of an economic downturn, but their hard work is something that all of us, while maybe not enthusiastically, but nonetheless, we can be proud to support their work. Before this House is a budget that is balanced and lives up to our commitment of making government live within its means just as every family in New Hampshire does. It also keeps faith with our constituents that excessive and wasteful spending in state government will not and cannot be tolerated. It also ensures that during these difficult economic times, state government does not confiscate anymore of their hard earned money when they need it most and this budget includes no new or increased taxes and fees, it includes no further downshifting of services and it does not, it does not further bond and saddle our future generation with fiscal irresponsibility. We do this while setting ourselves on a path of sustainable spending that encourages future economic growth. We are confident that the decisions we have made today will produce a more prosperous future for New Hampshire in the months and years to come. Let's be straight, we know that there is pain in this budget. Whenever budget reductions happen, it impacts real people. We understand that and any suggestion to the contrary is nonsense. The Finance Committee was dedicated to minimizing the effects on those who depend and require state services the most which is why this budget allocates \$3.7 billion to the Department of Health and Human Services. Of course we all wish we could do more. Of course no one is happy that we must tell those who have previously gotten state assistance that we simply can't afford it anymore,

but this is what must be done. This budget, Mister Speaker, at the end of the day, essentially rolls back spending slightly below the budget that this state operated under in 2008 and 2009. Make no mistake, Mister Speaker, I will return to this, there were a lot of tough calls and sacrifices. With hand on heart, Mister Speaker, I wish there were another way, but I say to this House, that there is no other responsible way. After all, at a time when our citizens are dealing with pay cuts, layoffs, investment and home losses and other tough times in their own lives, how could we look them in the eye and tell them that we are unwilling to make the same difficult choices in state government that they make for themselves. To hold our own example to a different standard than those we represent is unbecoming of this institution and we can be proud that this budget avoids that kind of hypocrisy. Mister Speaker, this budget also recognizes that cutting spending alone will not get our economy moving again. The cuts have been paired with measures that protect and defend the New Hampshire advantage and create an environment where small businesses, which are the backbone of our economy, can grow and flourish. Mister Speaker, taking these measures and solving our budget challenges must not be about the betterment of one political party or one special interest group over another. It must always be about the people of New Hampshire. This budget was written without consideration for political interests, opinion polls, editorials or special favors. It makes tough choices, but it puts people first. Never in the years, Mister Speaker, that I have been in this House have I ever heard such outrageous and exaggerated political hyperbole engulf a budget proposal such as we have seen here. Indeed, we have seen the motives and intentions of members of the Finance Committee and this House questioned and labeled with terms as extreme as immoral and evil. What a disgrace. What a shame that at such a difficult hour in our state's economic history that we cannot stand together, share in the sacrifice and deliver what is necessary for our state together, but stand and deliver we will because leadership isn't always easy and it isn't always popular, but it's about doing the right thing. This Finance Committee, this House and this economy, with this budget is leading. That is what our citizens have asked us to do and we must not betray their trust because the cuts got hard and the decisions got tough. The truth is that we know while very difficult, this budget was built wisely, it was built surely, it was built faithfully and it was not built for the popularity of the moment, but it was built for the prosperity in the years that are to come. As we progress this budget cycle, Mister Speaker, and indeed this is still a cycle. This is step two in a four step process. As we progress, we must expect that there will be difficulties, many unpleasant surprises, but we may be sure that the task that is before this House, that we are freely accepted is not beyond our compass and strength. I am proud of the work that the Finance Committee has done. I am proud of my colleagues for the professionalism that they have shown during this difficult time. The challenges we face in New Hampshire today were years in the making and it will take time and shared sacrifice to achieve our goals for the future, but Mister Speaker, the road to recovery begins today. I ask the House to join me in supporting this budget.

Speaker O'Brien: The question before the House is the majority committee report of Ought to Pass as Amended. Rep. Bettencourt requests a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will please take their seats. The House will come to order. The question before the House is the committee report of Ought to Pass as Amended on HB 1. The chair recognizes Rep. Norelli for a parliamentary inquiry.

Rep. Norelli: Thank you, Mister Speaker. Mister Speaker, if I know that the passage of HB 1 will have a painful, devastating and unnecessarily long lasting impact on our great state and if I know that this bill will kill not create jobs in the Granite State at a time when our economy is still recovering and if I further know that the cuts in this budget will downshift costs to communities, increasing property taxes to unsustainable levels for our working families, businesses and seniors and, finally, if I know that this budget will dismantle our schools, increase our healthcare costs, leave women unprotected, endanger public safety, raise college tuition for our students and create undue harm for so many, Mister Speaker, if I know all of this, then would I press the red button and vote no on HB 1 as amended? Thank you.

Speaker O'Brien: The Chair recognizes Rep. Tucker for a parliamentary inquiry.

Rep. Tucker: Thank you, Mister Speaker. If I know that the people of New Hampshire handed us an overwhelming majority of 75% with the charge of returning fiscal sanity to the state and Mister Speaker, if I also know that we have crafted a budget without over-inflated revenues, without downshifting, without bonding our children's future, without further increasing taxes and without accounting gimmicks that were used in the past, and if I also know, Mister Speaker, that after four years and nearly 25% increase in state spending we have successfully done what the voters have sent

us here to do: we have reduced the previous budget by \$724 million; Mister Speaker, if I also know that, unlike the Governor, we did not reduce the school building aid nor did we reduce catastrophic aid for special education and finally, Mister Speaker if I know that this amendment meets the needs of those who are challenged in our society, spending \$3.7 billion alone in funding for Health and Human Services and if I believe this is our moment, this is our chance to deliver on our promises, to right the ship and get us back on track for this generation and generations to come, would I then press the green button and support HB 1? Thank you.

RESOLUTION

Rep. Jasper offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 13, 2011 at 10:00 a.m. Adopted.

LATE SESSION

Third reading and final passage

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

UNANIMOUS CONSENT

Rep. Hess addressed the House.

MOTION TO PRINT REMARKS

Rep. Kotowski moved that the remarks made by Rep. Hess during unanimous consent be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Hess: Thank you, Mister Speaker. Driving up here this morning I had planned to make a humorous announcement to sort of break the ice. It somehow seems inappropriate after what has happened today and yesterday. This is my 21st year in this Chamber and I have to say that I have never heard rhetoric more harsh or decorum more disrespectful than I have the last two days. No side of the aisle has a monopoly on that unfortunate behavior and I was reminded of comments that Warren Buffet has shared with his employees and fellow directors at Berkshire Hathaway for over 25 years. This is not the letter to shareholders that gets so much news attention. This is an inside communication and in that communication for over a quarter of a century he has shared some very simple and I think profound thoughts that I think we all, all of us, should reflect upon in the coming days and weeks. To paraphrase him, he says, "We can afford to lose votes. We can afford to lose a lot of votes, but we cannot afford to lose our reputation or even a shred of our reputation." The rationale that, well, everybody else is doing it or that, they're doing it or that they did it to us in the past, is almost always bad. If we see anyone or anything that borders on illegality or even impropriety and it causes us to hesitate, it almost certainly is inappropriate and wrong and should be abandoned immediately. Finally, culture, not rulebooks, determines an organizations' behavior. We have lost part of our culture the last two days and I hope that each one of us, myself included, yourself Mister Speaker included, decides that in the days and the weeks ahead, we commit to taking one small step, one step toward each other and try to regain some of that culture. Thank you.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports. Adopted.

The House recessed at 2:40 p.m.

RECESS

(Rep. Comerford in the Chair)

RESOLUTION

Rep. Mirski offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 2, 3, 22, 40, 50, 52, 54, 58, 75, 76, 78, 86, 88, 92, 111, 117, 120, 121, 129, 151, 154, 156, 160, 166, 170, 179, 189, 193, 196 and 197 and Constitutional Amendment Concurrent Resolutions numbered 5 and 14 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS AND CACRS**First, second reading and referral**

- SB 2**, relative to adoption of spending caps by municipalities. (Municipal and County Government)
- SB 3-FN-A-L**, making comprehensive changes to the state retirement system. (Special Committee on Public Employee Pensions Reform)
- SB 22**, relative to alternative regulation of small incumbent local exchange carriers. (Science, Technology and Energy)
- SB 40**, making technical corrections to meals and rooms tax laws. (Executive Departments and Administration)
- SB 50**, making various changes to laws regulating trusts and trust companies. (Commerce and Consumer Affairs)
- SB 52-FN**, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole. (Criminal Justice and Public Safety)
- SB 54**, relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations. (Commerce and Consumer Affairs)
- SB 58-FN-A**, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. (Ways and Means)
- SB 75-FN**, relative to clarification of part-time service in the state retirement system. (Special Committee on Public Employee Pensions Reform)
- SB 76-FN**, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws. (Executive Departments and Administration)
- SB 78-FN-A-L**, relative to motor vehicle registration fees. (Finance)
- SB 86**, requiring the department of labor to warn employers of certain violations prior to imposing a fine. (Labor, Industrial and Rehabilitative Services)
- SB 88**, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense. (Criminal Justice and Public Safety)
- SB 92**, establishing an economic strategic commission to review the relationship between business and government. (Executive Departments and Administration)
- SB 111**, relative to short sales of a homeowner's residence. (Commerce and Consumer Affairs)
- SB 117**, relative to private postsecondary career schools and the student tuition guaranty fund. (Education)
- SB 120**, relative to alcoholic beverage advertising restrictions. (Commerce and Consumer Affairs)
- SB 121**, relative to the application of the worker adjustment and retraining notification act. (Labor, Industrial and Rehabilitative Services)
- SB 129-FN**, relative to presenting photo identification to vote in person and relative to the election fund. (Election Law)
- SB 151-FN**, relative to contracts of the department of health and human services. (Health, Human Services and Elderly Affairs)
- SB 154-FN**, reforming and renaming the comprehensive shoreland protection act. (Resources, Recreation and Development)
- SB 156-FN-L**, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications. (Commerce and Consumer Affairs)
- SB 160-FN**, relative to the definition and regulation of installment loans. (Commerce and Consumer Affairs)
- SB 166**, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty. (Executive Departments and Administration)

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association. (Executive Departments and Administration)

SB 179, relative to qualified purchasing alliances. (Commerce and Consumer Affairs)

SB 189, relative to the definition of mortgage loan originator. (Commerce and Consumer Affairs)

SB 193, relative to nomination of political organizations. (Election Law)

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores. (Education)

SB 197, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. (Commerce and Consumer Affairs)

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. (Ways and Means)

CACR 14, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education. (Special Committee on Education Funding Reform)

SENATE MESSAGE

CONCURRENCE

HB 32, relative to statutory references to the choice and duties of town auditors.

HB 45, relative to the Connecticut Lakes headwater citizens committee.

HB 91, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee.

HB 93, relative to medical documentation for a crossbow permit for a person with a disability.

HB 167, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie.

HB 195, relative to special permits for transportation of deer.

HB 288-FN-L, relative to payment for election services to unincorporated places.

HB 410, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee.

HB 441-FN, relative to muffling devices on boats.

HB 525, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C.

RECESS

(Rep. Bettencourt in the Chair)

ENROLLED BILL AMENDMENT

SB 174, relative to the Concord regional solid waste/resource recovery cooperative. (Amendment printed SJ 4-13-11)

Adopted.

RECESS

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Marshall Quandt off the Committee on Finance.

RECESS

(Rep. Itse in the Chair)

RESOLUTION

Rep. Ingbretonson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk and pursuant to 541-A:13 VII, House Joint Resolution numbered 4 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE JOINT RESOLUTION

First, second reading and referral

HJR 4, prohibiting the implementation of certain rules of the board of medicine. (B. Patten, Carr 4; Manuse, Rock 5; C. McGuire, Merr 8; Merrill, Dist 21; Groen, Dist 6: Executive Departments and Administration)

RECESS

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:
Rep. Garcia on the Committee on Finance.

RECESS

(Speaker O'Brien in the Chair)

Rep. Jasper moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 15

Wednesday, April 13, 2011

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Heavenly Father we sense the hope of spring. It is the time of new life and the restoration of sturdy roots that will bring forth the glory of the Architect of Nature. We ask that You strengthen our hearts to read Your designs correctly so that we may plant in the right good earth. Tilling the soil of government is always challenging in the spring. Keep us, we pray, focused on the higher things and our call to good leadership. It remains true even in this mass-age of ours that individual genius and courage, the imagination and boldness of even a handful of New Hampshire men and women, may strengthen the foundations of liberty and maintain a solvent economic exchange. Help us to rediscover the old truths of wise, care-filled civil government for the long haul. We care and pray for our future, for our families, those who carry pain and require healing, those who are away from home serving in uniform. We pray for the freedom we celebrate but also guard jealously from enemies foreign and domestic. Keep us skilled and alert to the higher things; those permanent values that come from the same Providence once trusted by our founders. This is what keeps us above the fray and the weeds. Help us, once again, with the strength to represent our people with professionalism and personal grace. Bless our land with renewed life, economic stability and peace. Inspire our imaginations with the energy and the talent that determines the right course for the service of the common good. This is the spring that we long for. Aye! And today let us say it in the hardy words of the independent people of the tartan:

May there always be work for your hands to do.

May your purse always hold a coin or two.

May the sun always shine upon your window pane.

May a rainbow be certain to follow each rain.

May the hand of a friend always be near to you and

May God fill your heart with gladness to cheer you.

We ask this in Your Holy name. Amen.

Representative Lawrence Kappler, member from Raymond, led the Pledge of Allegiance.

The National Anthem was sung by the Lebanon High School Superlatives.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Benn, Cunningham, Gary Hopper, Merrick, Peter Schmidt, Taylor, Marc Tremblay and Weeden, the day, illness.

Reps. Ahlgren, Ball, Coughlin, Hoell, Karen Hutchinson, Infantine, Itse, Kaen, Leonard, Bruce MacMahon, Norelli, Panek, Pastor, Pelletier, Peterson, Pierce, Robin Read, Michael Reed, Chip Rice, Jon Richardson, Serlin, Todd Smith, St. Cyr, Daniel Sullivan, Tholl and White, the day, important business.

Reps. Berube and Ingbreton, the day, illness in the family.

INTRODUCTION OF GUESTS

Nurses from various programs around New Hampshire, guests of Reps. Blankenbeker, DiPentima, Millham, Pettengill and Harding. Peter Kucmas, guest of the Hillsborough District 4 delegation. Barbara and Timothy McGuinness, mother and brother of Rep. McGuinness. Rosemary Fesh, wife of Rep. Fesh. Lynda Hunt, wife of Rep. Hunt.

Alexandra Evans and Robert Cowall, students at Bedford High School, Pages for the day.

INTRODUCITON OF SPECIAL GUESTS

State Master Jim Tetreault and members of the New Hampshire Grange.

PROCLAMATION

NEW HAMPSHIRE TARTAN DAY

APRIL 6, 2011

WHEREAS, The Declaration of Arbroath, declaring Scottish independence, was signed at Arbroath Abbey on April 6, 1320 by Bernard de Linton, Chancellor of Scotland; and

WHEREAS, Helping expand freedom for all people, Scotland abolished slavery in 1777 by freeing African-born slave Joseph Knight, who had been sold in Jamaica and brought to Scotland; and WHEREAS, The United States Declaration of Independence was modeled, in part, after the Declaration of Arbroath; and

WHEREAS, Nearly half of the signers of the Declaration of Independence and nine of the original governors, including New Hampshire's governor, were of Scottish descent; and

WHEREAS, Scots and Scottish-Americans have made outstanding contributions to both the United States and the State of New Hampshire in the fields of science, math, medicine, education, politics, business and the arts; and

WHEREAS, The United States Senate has passed a resolution designating April 6 of each year as National Tartan Day; and

WHEREAS, The Saint Andrew's Society of New Hampshire along with many other Scottish organizations, including the New Hampshire Gathering of the Scottish Clans, the Scottish Club of the Twin States, the Strathspey & Reel Society of New Hampshire, the New Hampshire School of Scottish Arts and thousands of citizens who claim Scottish heritage in the state, support Scottish Heritage Day; NOW, THEREFOR, I, JOHN H. LYNCH, GOVERNOR of the State of New Hampshire, do hereby proclaim APRIL 6, 2011 as NEW HAMPSHIRE TARTAN DAY and call upon the citizens of the state to commemorate the great struggles of freedom and historical achievements of Scottish Americans in New Hampshire.

Given at the Executive Chamber in Concord, this 11th day of April, in the year of Our Lord two thousand and eleven, and the independence of the United States of America, two hundred and thirty-five.

John H. Lynch, Governor

TARTAN DAY PROGRAM

Rep. John Hunt introduced special guests who performed for the House in honor of New Hampshire Tartan Day: Piper Campbell Webster and dancer Marielle Webster under the direction of Pipe Major Gordon Webster and Mrs. Lezlie Webster of the New Hampshire School for Scottish Arts. Piper Campbell Webster played Piobaireachd in tribute to New Hampshire's sons and daughters who have given their lives in defense of our country and Rep. Rowe offered a Scottish Blessing.

COMMUNICATION

To the Honorable William O'Brien

Speaker of the New Hampshire House of Representatives:

It is with heavy heart I write to you. I had such desire and willingness to serve and due to unforeseeable events I need to (with regret) resign my seat as a New Hampshire State Representative.

I want to thank you Mr. Speaker for giving me the opportunity to try and sort out the myriad of issues I have been trying to deal with since the beginning of this year, I appreciated your advice and counsel. I am sorry I was unable to find the solutions that would allow me to continue.

We have an unprecedented opportunity in our state to make significant change to a broken system. I wish I was still able to be an active part of those changes; I will however support whomever the good residents of my district choose to replace me. I wish him/her the best of luck!

My most humble and absolute apologies to the citizens of Peterborough, Sharon, New Ipswich and; especially my former Town of Greenville. I want to thank the voters for giving me an opportunity to represent them. In other pursuits I have had cause to be in almost every town in New Hampshire and our towns truly represent what New Hampshire is all about. We have warmth and sense of community that is truly remarkable. It was my pleasure and honor to serve you. Thank you.

With deepest regret

Robert Huxley

COMMUNICATION

April 5, 2011

Dear Speaker O'Brien:

I regret that I can no longer effectively serve the citizens of my district as a State Representative from Rockingham County, District #14.

I hereby tender my resignation from the New Hampshire House of Representatives, effective this date.

Respectfully,

Gary W. Wheaton

PETITIONS

Petitioner Representative Daniel Itse of Fremont, on behalf of Elena Katz, Arnold Goodman, and their daughter, seeks redress relative to a dispute with the State of New Hampshire, Rockingham County Attorney's Office.

Petitioner Representative Daniel Itse of Fremont, on behalf of Michael Brewster, seeks redress relative to a dispute with the State of New Hampshire, Rockingham County Superior Court.

Petitioner Representative Daniel Itse of Fremont, on behalf of Vincent Milano, seeks redress relative to a dispute with the Epping School District.

The Speaker referred the Petitions to the Committee on Redress of Grievances.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 66, relative to nonresident fees for motorcycle rider education, removed by Rep. Packard. Consent Calendar adopted.

SB 25, relative to the Connecticut River Valley resource commission. **OUGHT TO PASS.**

Rep. Spec Bowers for Executive Departments and Administration: The bill attaches the Connecticut River Valley resource commission to the department of environmental services instead of the office of energy and planning. There is no change in the duties of the commission. Both agencies agree to the transfer. Vote 11-0.

SB 26, establishing a committee to study the classification of motor vehicles. **OUGHT TO PASS.** Rep. John A. Hikel for Transportation: Because of the many new and different types of vehicles entering the market today, the committee felt it would be prudent to look at these vehicles and determine if we need some new classifications and what classification these vehicles should be listed. Vote 12-0.

SB 29, relative to the definition of "moped" and relative to motorcycle endorsements. **OUGHT TO PASS.**

Rep. Lisa E. Scontos for Transportation: This bill removes an antiquated section of the moped RSA that was confusing to town clerks. It also allows for a separate license for 3 wheeled motorcycles. This is to accommodate those NH citizens who choose not to ride a two wheeled vehicle and only ride a three wheeled vehicle. Vote 12-1.

SB 31, relative to revocation or denial of a driver's license for drug or alcohol involvement by persons under 21 years of age. **OUGHT TO PASS.**

Rep. John E. Tholl for Transportation: The bill removes the requirement for a hearing whenever a person under 21 has been convicted of an alcohol or drug offense, unless the court orders the suspension or denial of a drivers license. Currently, a hearing is required unless the court specifically orders none to be held. This is in line with the legislature's position in 2007 that a license revocation for an alcohol offense should not be mandatory if the offense did not involve a motor vehicle. Passage of this bill will reduce the paperwork required by both the courts and the department of safety and prevent unnecessary hearings for those whom the court did not intend to have a license suspension. Vote 14-0.

SB 60, relative to the definition of commercial motor vehicle. **OUGHT TO PASS.**

Rep. John R. Cloutier for Transportation: This bill would clarify RSA 259:12-e, IIa by adding language so as to exempt drivers of fire department vehicles from being required to have a Commercial Driver's License (CDL), not only going to a fire or reported fire, but also "returning from fire service purposes or being driven in a parade." This clarification would especially help volunteer fire departments in our smaller communities. A representative of the department of safety testified that the department has no objection to the bill. Vote 11-2.

SB 18, deleting a function of the central tax services unit. **OUGHT TO PASS.**

Rep. Patrick F. Abrami for Ways and Means: This bill removes control of tax receivables for the department of revenue administration from the responsibilities of the central tax services unit. This

bill was requested by the department of revenue administration to insure that individuals in the central tax services unit no longer have access to tax receivables information. This change actually went into effect three years ago with this statute change simply catching up with current practice. The committee was unanimously supportive of this change. Vote 20-0.

SB 35-FN-A, relative to exemption from the definition of utility property for purposes of the utility property tax. **OUGHT TO PASS.**

Rep. Frank V. Sapareto for Ways and Means: This bill is a housekeeping bill that clarifies what is and is not to be taxed as utility property. Utility property is currently taxed at \$6.60/\$1,000 of assessed value. The committee recognizes that an emergency power generator for a business or home was never intended to be included in that tax and generally isn't. This ambiguity has existed since the inception of the 1999 utility tax and this clarification is long overdue. Vote 20-0.

SB 43, making a technical correction to the tobacco tax laws. **OUGHT TO PASS.**

Rep. Joe Osgood for Ways and Means: This bill came to the committee as a housekeeping bill and we agreed to this unanimously. This bill changes the word "report" to "returns." Vote 20-0.

REGULAR CALENDAR

SB 85, naming a bay in the town of Meredith Johnson Bay. **OUGHT TO PASS.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill names Johnson Bay in Meredith in memory of the late Senator Carl Johnson and his wife, Jeannette, who worked tirelessly to promote and protect New Hampshire's precious resources, especially our loons and lakes. There is no cost to the state. All signage expenses will be paid for by private donations. Vote 14-0. Rep. Greemore spoke in favor and requested a roll call; sufficiently seconded.

YEAS 347 NAYS 1

YEAS 347

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	Simpson, Tyler
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Cartwright, Anne
Chase, Cynthia	Dwinell, Richard	Emerson, Susan	Hawkes, Samuel
Hunt, John	Johnsen, Gladys	Johnson, Jane	Lerandeau, Alfred
Lindsey, Steven	Meador, David	Moore, Charles	Moore, Robert Jr
Parkhurst, Henry	Sad, Tara	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Rappaport, Laurence
Remick, William	Richardson, Herbert	Theberge, Robert	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Bradley, Lester	Brosseau, Charles
Bulis, Lyle	Cooney, Mary	Eaton, Stephanie	Gionet, Edmond
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Mirski, Paul
Nordgren, Sharon	Shackett, Jeffrey	Simard, Paul	Smith, Suzanne
Sova, Charles	Townsend, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Baroody, Benjamin	Barry, J. Gail
Beattie, Thomas	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Brunelle, Michael
Burt, John	Buxton, Michael	Campbell, David	Cebrowski, John
Champagne, Norma	Christensen, D.L. Chris	Coffey, James	Condra, William
Cote, David	Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Emerton, Larry	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Gagne, Larry	Gandia, Laura	Gargaszy, Carolyn	Garrity, Patrick
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Holden, Frank	Hutchinson, Winfred
Jasper, Shawn	Jeady, Jean	Katsiantonis, Thomas	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	Long, Patrick
Maltz, Jonathan	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Messier, Irene	Moran, Edward	Murphy, Keith
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Parison, James	Pellegrino, Tony
Pepino, Leo	Pilotte, Maurice	Porter, Marjorie	Pratt, Calvin
Proulx, Mark	Ramsey, Peter	Renzullo, Andrew	Rhodes, Brian
Robbins, David	Rokas, Ted	Rosenwald, Cindy	Rowe, Robert
Seidel, Carl	Shaw, Barbara	Silva, Peter	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Summers, James	Swank, Matthew	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Cohn, Seth
Cox, Sean	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Giuda, J. Brandon	Hamm, Christine
Hess, David	Hill, Gregory	Keane, Thomas	Kidder, David
Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lindsley, Mark
Lockwood, Priscilla	MacKay, James	McDonnell, John	McGuire, Carol
McGuire, Dan	Owen, Derek	Palfrey, David	Patten, Dick
Potter, Frances	Reed, Dennis	Richardson, Gary	Sanborn, Laurie
Seaworth, G. Brian	Shurtleff, Stephen	Smith, Molly	Soltani, Tony
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Bettencourt, David	Birdsell, Regina
Brown, Paul	Cali-Pitts, Jacqueline	Case, Frank	Charron, Gene
Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy	Davenport, Joshua
DeSimone, Debra	Devine, James	DiPentima, Rich	Dowling, Patricia
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Gould, Kenneth	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Introne, Robert
Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter	Lovejoy, Patricia
Lundgren, David	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Murphy, Brian
Nevins, Chris	O'Connor, John	Okerman, Richard	Oligny, Jeffrey
Packard, Sherman	Pantelakos, Laura	Peckham, Michele	Perkins, Amy
Perkins, Lawrence	Powers, James	Quandt, Marshall	Quandt, Matt
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn

Sanders, Elisabeth
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Sapareto, Frank
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Sapienza, Marie
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Schlachman, Donna
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
DeLemus, Susan
Hofemann, Roland
Jones, Laura
Newton, Clifford
Roberts, Jenna
Vita, Carol

Brown, Julie
Ginsburg, Philip
Hooper, Dorothea
Keans, Sandra
O'Connor, William
Spainhower, Dale
Vita, Lucien

Browne, Brendon
Grassie, Anne
Horrigan, Timothy
Larsen, Kirsten
Parsons, Robbie
Spang, Judith
Wall, Janet

Cataldo, Sam
Groen, Warren
Jones, Kyle
Munck, Philip
Pitre, Joseph
Sprague, Dale
Watters, David

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Osgood, Joe

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

Howard, Thomas
Lovett, Charlene
Smith, Steven

NAYS 1

BELKNAP

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Barry, Richard

MERRIMACK

None

ROCKINGHAM

None

STRAFFORD

None

SULLIVAN

None
and the committee report was adopted and ordered to third reading.

INTRODUCTION OF GUESTS

Carl Johnson, Jr. and wife, Linda. Linda Johnson Weeks and husband, Harry, son and daughter of Senator Carl Johnson, guests of the House.

REGULAR CALENDAR (CONT'D)

SB 102, establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L. Theberge for State-Federal Relations and Veterans Affairs: A prior commission, established in 2008, gathered significant information on PTSD and TBI. However, it had insufficient time to present a final report. The committee feels that the commission needs to be reestablished. The members also hope that, as a result, more funding will be available to the VA in support of PTSD and TBI programs and how best to help community based programs. Vote 12-0.

Amendment (1368h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Commission on the Effects of Service-Connected Post-Traumatic Stress Disorder and Traumatic Brain Injury. Amend RSA by inserting after chapter 115-C the following new chapter:

CHAPTER 115-D**COMMISSION ON THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY**

115-D:1 Commission Established. There is established a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

115-D:2 Membership and Compensation.

I. The members of the commission shall be as follows:

- (a) One member of the senate, who is a member of the health and human services committee, appointed by the president of the senate.
- (b) Two members of the house of representatives, one of whom is a member of the health, human services and elderly affairs committee and one of whom is a member of the state-federal relations and veterans affairs committee, appointed by the speaker of the house of representatives.
- (c) One representative of the Veterans Administration Hospital who has expertise with post-traumatic stress disorder and traumatic brain injury, appointed by the governor.
- (d) One member representing the mental health profession, appointed by the governor.
- (e) One member who specializes in neurology, appointed by the governor.
- (f) One member representing the law enforcement profession, appointed by the governor.
- (g) The commissioner of the department of health and human services, or designee.
- (h) The director of the state veterans council, or designee.
- (i) One representative of the New Hampshire Psychological Association, appointed by the executive director of the association.
- (j) One representative of the Brain Injury Association of New Hampshire, appointed by such association.
- (k) One representative of the governor's commission on disabilities, appointed by the governor.
- (l) One representative of the Disabilities Rights Center, appointed by the executive director of the center.
- (m) Two representatives of veterans organizations who serve on the state veterans' advisory committee, appointed by the chairman of the state veterans' advisory committee.
- (n) One representative of the New Hampshire veterans' home, appointed by the chairman of the board of managers of the veterans' home.
- (o) One representative of the army national guard, appointed by the adjutant general.
- (p) One representative of the army reserve, appointed by the adjutant general.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. In appointing members to the commission, the appointing authorities shall give priority to persons who served on the commission established by 2008, 257 (HB 1335 of the 2008 legislative session).

115-D:3 Duties. The commission shall study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

115-D:4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

115-D:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2011.

2 Repeal. RSA 115-D, relative to a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect May 1, 2012.

II. The remainder of this act shall take effect upon its passage.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Baldasaro spoke in favor and requested a roll call; sufficiently seconded.

YEAS 347 NAYS 1

YEAS 347

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Tilton, Franklin

Fields, Dennis
Luther, Robert
Russell, David
Tobin, William

Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Butynski, William
Chase, Cynthia
Hunt, John
Lindsey, Steven
Parkhurst, Henry
Sterling, Franklin Jr

Byrnes, John
Dwinell, Richard
Johnsen, Gladys
Meader, David
Roberts, Kris
Tatro, Bruce

Carr, Daniel
Emerson, Susan
Johnson, Jane
Moore, Charles
Sad, Tara
Weber, Lucy

Cartwright, Anne
Hawkes, Samuel
Lerandeau, Alfred
Moore, Robert Jr
Smith, Edwin
Weed, Charles

COOS

Coulombe, Gary
Remick, William

Daugherty, Duffy
Richardson, Herbert

Hatch, William
Theberge, Robert

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Aguiar, James
Bulis, Lyle
Gould, Franklin
Nordgren, Sharon
Sova, Charles

Almy, Susan
Cooney, Mary
Harding, Laurie
Shackett, Jeffrey
Townsend, Charles

Bradley, Lester
Eaton, Stephanie
Ladd, Rick Jr
Simard, Paul

Brosseau, Charles
Gionet, Edmond
Mirski, Paul
Smith, Suzanne

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Brunelle, Michael
Cebrowski, John
Condra, William

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Burt, John
Champagne, Norma
Cote, David

Baroody, Benjamin
Belanger, James
Brown, Kevin
Buxton, Michael
Christensen, D.L. Chris
Cusson-Cail, Kathleen

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Campbell, David
Coffey, James
Daniels, Gary

Day, Russell
 Drisko, Richard
 Fredette, Robert
 Garrity, Patrick
 Gonzalez, Carlos
 Haefner, Robert
 Hikel, John
 Hutchinson, Winfred
 Krasucki, Joseph
 Long, Patrick
 McGuinness, Sean
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Pratt, Calvin
 Rhodes, Brian
 Rowe, Robert
 Simmons, Tammy
 Stroud, Kathleen
 Thomas, Joseph
 Villeneuve, Moe

DeJong, Cameron
 Emerton, Larry
 Gagne, Larry
 Gidge, Kenneth
 Gorman, Mary
 Hansen, Peter
 Hinch, Richard
 Jasper, Shawn
 Kurk, Neal
 Maltz, Jonathan
 Mecheski, Holly
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Proulx, Mark
 Robbins, David
 Seidel, Carl
 Soucy, Connie
 Summers, James
 Twombly, Timothy
 Whitehead, Randall

Doherty, Shaun
 Erickson, Duane
 Gandia, Laura
 Gimás, John
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Jeudy, Jean
 Lambert, George
 McCarthy, Michael
 Messier, Irene
 Ober, Lynne
 Palmer, Stephen
 Pilotte, Maurice
 Ramsey, Peter
 Rokas, Ted
 Shaw, Barbara
 Souza, Kathleen
 Swank, Matthew
 Ulery, Jordan
 Willette, Robert

Donovan, Daniel
 Flanagan, Jack
 Gargas, Carolyn
 Goley, Jeffrey
 Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Katsiantonis, Thomas
 LeBrun, Donald
 McClarren, Donald
 Moran, Edward
 Ober, Russell III
 Parison, James
 Porter, Marjorie
 Renzullo, Andrew
 Rosenwald, Cindy
 Silva, Peter
 Stepanek, Stephen
 Terrio, Ross
 Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
 Cox, Sean
 Frazer, June
 Hess, David
 Kotowski, Frank
 Lockwood, Priscilla
 McGuire, Dan
 Potter, Frances
 Seaworth, G. Brian
 Wallner, Mary Jane

Bouchard, Candace
 Deloge, Helen
 Gile, Mary
 Hill, Gregory
 Kreis, Kenneth Sr
 MacKay, James
 Owen, Derek
 Reed, Dennis
 Shurtleff, Stephen
 Watrous, Rick

Coffey, Jennifer
 DeStefano, Stephen
 Giuda, J. Brandon
 Keane, Thomas
 Lauer-Rago, Kathleen
 McDonnell, John
 Palfrey, David
 Richardson, Gary
 Smith, Molly
 Williams, Robert

Cohn, Seth
 Foose, Robert
 Hamm, Christine
 Kidder, David
 Lindsley, Mark
 McGuire, Carol
 Patten, Dick
 Sanborn, Laurie
 Soltani, Tony
 Winter, Steven

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Chirichiello, Brian
 DeSimone, Debra
 Duarte, Joe
 Garcia, Marilinda
 Hagan, Joseph
 Kappler, Lawrence
 Lundgren, David
 McKinney, Betsy
 Nevins, Chris
 Packard, Sherman
 Perkins, Lawrence
 Reagan, John
 Sanders, Elisabeth
 Schroader, Adam
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Allen, Mary
 Bates, David
 Cali-Pitts, Jacqueline
 Comerford, Timothy
 Devine, James
 Elliott, Robert
 Garrity, James
 Headd, James
 Katsakiores, Phyllis
 Major, Norman
 McMahon, Charles
 O'Connor, John
 Pantelakos, Laura
 Powers, James
 Reichard, Kevin
 Sapareto, Frank
 Sedensky, John
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

Antosz, Jason
 Bettencourt, David
 Case, Frank
 Copeland, Timothy
 DiPentima, Rich
 Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Kolodziej, Walter
 Manuse, Andrew
 Moody, Marcia
 Okerman, Richard
 Peckham, Michele
 Quandt, Marshall
 Rice, Frederick
 Sapienza, Marie
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

Azarian, Gary
 Birdsell, Regina
 Charron, Gene
 Davenport, Joshua
 Dowling, Patricia
 Fesh, Robert
 Griffin, Mary
 Introne, Robert
 Lovejoy, Patricia
 Mauro, Donna
 Murphy, Brian
 Oigny, Jeffrey
 Perkins, Amy
 Quandt, Matt
 Ritter, Glenn
 Schlachman, Donna
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

STRAFFORD

Andolina, Donald
DeLemus, Susan
Hofemann, Roland
Jones, Laura
Newton, Clifford
Roberts, Jenna
Vita, Carol

Brown, Julie
Ginsburg, Philip
Hooper, Dorothea
Keans, Sandra
O'Connor, William
Spainhower, Dale
Vita, Lucien

Browne, Brendon
Grassie, Anne
Horrigan, Timothy
Larsen, Kirsten
Parsons, Robbie
Spang, Judith
Wall, Janet

Cataldo, Sam
Groen, Warren
Jones, Kyle
Munck, Philip
Pitre, Joseph
Sprague, Dale
Watters, David

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Osgood, Joe

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

Howard, Thomas
Lovett, Charlene
Smith, Steven

NAYS 1**BELKNAP**

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Warden, Mark

MERRIMACK

None

ROCKINGHAM

None

STRAFFORD

None

SULLIVAN

None

and the committee report was adopted and ordered to third reading.

SB 140-FN, relative to the disposition of military justice fines. **OUGHT TO PASS.**

Rep. Lynne F. Blankenbeker for State-Federal Relations and Veterans Affairs: Historically, the National Guard funded its scholarship fund by renting out armory space for trade shows. The fire marshal has since prohibited such rental because of fire code deficiencies. The cost to return to code would be \$750,000. This bill would allow funding of this scholarship fund with the money originated by the Guard as fines paid to the military court. The value of this would be negligible at roughly \$10,000/year. Vote 11-0.

Committee report adopted and ordered to third reading.

BILL REMOVED FROM THE CONSENT CALENDAR

SB 66, relative to nonresident fees for motorcycle rider education. **OUGHT TO PASS.**

Rep. Robert W. Williams for Transportation: Three years ago, out-of-state residents were allowed to take the NH motorcycle education program. The program is funded by a separate \$1.00 fee on motorcycle registration and a \$5.00 extra fee on motorcycle license renewal. This bill allows the director of motor vehicles to request a separate fee structure for out-of-state residents. The same as applies to a hunting license. Vote 12-1.

Rep. Packard offered floor amendment (1399h).

Floor Amendment (1399h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to nonresident tuition for motorcycle rider education.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Motorcycle Rider Education Program; Rulemaking. Amend RSA 263:34-c by inserting after paragraph XI the following new paragraph:

XII. Tuition charged to nonresidents.

AMENDED ANALYSIS

This bill requires the director of the division of motor vehicles to adopt rules relative to nonresident tuition for motorcycle rider education.

This bill was requested by the department of safety.

Rep. Packard spoke in favor and yielded to questions.

On a division vote, 258 members having voted in the affirmative and 90 in the negative, floor amendment (1399h) was adopted.

Committee report adopted and ordered to third reading.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 27, 2011 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 25, relative to the Connecticut River Valley resource commission.

SB 26, establishing a committee to study the classification of motor vehicles.

SB 29, relative to the definition of "moped" and relative to motorcycle endorsements.

SB 31, relative to revocation or denial of a driver's license for drug or alcohol involvement by persons under 21 years of age.

SB 60, relative to the definition of commercial motor vehicle.

SB 18, deleting a function of the central tax services unit.

SB 35-FN-A, relative to exemption from the definition of utility property for purposes of the utility property tax.

SB 43, making a technical correction to the tobacco tax laws.

SB 85, naming a bay in the town of Meredith Johnson Bay.

SB 102, establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

SB 140-FN, relative to the disposition of military justice fines.

SB 66, relative to nonresident fees for motorcycle rider education.

UNANIMOUS CONSENT

Reps. Rowe, Campbell and Mirski addressed the House.

MOTION TO PRINT REMARKS

Rep. Jasper moved that the remarks made by Rep. Campbell be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Campbell: Thank you, Mister Speaker. I hope I didn't wear out my welcome already. I'm here for historical, not political reasons. 150 years ago yesterday, the Civil War began. 146 years ago tomorrow, Abraham Lincoln was assassinated, and I want to share with you, very quickly if I could, a story of two portraits that hang in our Hall, that of John Parker Hale and Abraham Lincoln. Abraham Lincoln was, of course, our 16th President and he is the great emancipator and well known to all. John Parker Hale was born in Rochester and raised in Dover. He owned a textile mill there. He became a US Senator in the 1940's and was the first avowed abolitionist in the US Senate. There were anti-slavery Senators before him, like Daniel Webster, but he was the first avowed abolitionist and he was known for that. He crusaded throughout his career. He was threatened on the floor of the Senate by southern Senators many times and at gunpoint sometimes. He saw the successful culmination of his goals with the signing of the Emancipation Proclamation by Lincoln in 1863, but there is a lot more to the story. The story just starts there. John Hale had a beautiful young daughter named Lucy Hale. Lucy Hale was the toast of Washington society and a belle. She was sought after by many men and had many suitors. John Hale had hoped that his daughter would be a good match for Robert Lincoln who was the son of the President, but Robert Lincoln spent most of his time during the Civil War being educated in New England at Phillips Exeter and then at Harvard College. In fact, Lincoln came to New Hampshire famously in February of 1860. He came here basically to see his son and while he was here he made a political stop. He spoke at the Phenix Hall and it is a very famous part of Lincoln in New Hampshire. When he spoke there, he praised John Hale for his dedication of fortitude for being an abolitionist. Lucy's favorite suitor was not a President's son. It was, in fact, an actor who lived in Washington by the name of John Wilkes Booth. So, John Wilkes Booth and Lucy Hale were supposedly secretly engaged, secretly meaning it wasn't publicly announced. There is a famous picture that you may have seen during the civil war where Booth is eerily close to Lincoln on the 2nd Inauguration. That's because he got a ticket from Lucy Hale. Booth pursued Lucy Hale for a long time and they exchanged rings. It's uncertain whether she did that for access to Lincoln or not, but what is not uncertain is that John Hale despised John Wilkes Booth. He despised him because he was an actor. He despised him because he was an avowed and fervent confederate. On the morning of April 14th, 146 years ago tomorrow, John Hale who had recently lost his re-election in New Hampshire, went to see the President at the White House and asked to be nominated to be the Ambassador to Spain. The reason for that was to remove Lucy from the influence of John Wilkes Booth. While they met, Lucy Hale studied Spanish in the White House with Robert Lincoln who was home to celebrate the fact that Appomattox surrender had been five days earlier and it was John Hay from New Hampshire. John Hay was a private secretary to the President and John Hay retired in New Hampshire on Lake Sunapee at a big estate that is now a federal park. The last official act of Lincoln was to nominate John Parker Hale to be an ambassador. That night, Lucy had dinner with her mother and John Wilkes Booth at a hotel. At 8:00, Booth excused himself, went to the theater and an hour later he shot President Lincoln. Lincoln of course died the next day to the shock and horror of the country, but he is immortalized as our greatest President. Booth escaped and the famous manhunt that took two weeks found him in Virginia and when they found him in that barn, he did have a ring on and he did have five portraits of women in his pocket and one of them was Lucy Hale. John Hale and Lucy Hale went on to Spain for the ambassadorship for several years. Interestingly enough, the great investigation by Secretary of War Stanton into the conspiracy of Booth, never interviewed Lucy Hale. John Hale died shortly after their return. Lucy Hale went on to marry a gentleman by the name of William Chandler from New Hampshire. The historical society was a Chandler household. That's where he played as a child. They had another son named John Parker Hall Chandler and they had a son, another gentleman by the name of John Chandler. We know him here. Many years ago, when I served from 1979 to 1983, he was a Senator and a former State Rep. who had a seat over there where Rep. Pantelakos is sitting right now, and a Councilor, his name was Happy Jack Chandler and he was a very conservative "Mel Thomson" Republican. He had his own room up at the Cat and Fiddle that was decorated with flags and he had meetings every week and William Loeb was one of the great people that came there and visited quite often. I actually co-sponsored a bill to put snow making on then Mount Sunapee State Park with John Chandler. I thank you for this indulgence. I think it's interesting. Every time I look at those two portraits, that story goes through my head and I wanted to share it with you. I thank you.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 11:20 a.m.

RECESS

(Rep. Tucker in the Chair)

ENROLLED BILL AMENDMENT

HB 288-FN-L, relative to payment for election services to unincorporated places.

Amendment (1332-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to payment for election services by unincorporated places.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 32, 45, 91, 93, 116, 117, 167, 188, 192, 195, 363, 399, 410, 441 and 525 and Senate Bills numbered 15, 112 and 127.

Rep. Kidder, Sen. Prescott for the Committee

SENATE MESSAGES**CONCURRENCE**

HB 27, relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.

HB 46, relative to the membership of the current use advisory board.

HB 63, extending the instream pilot program for one year.

HB 69, relative to the community college system of New Hampshire academic centers.

HB 79, relative to certification of dogs for law enforcement work.

HB 80, relative to ranks in the division of state police.

HB 88, relative to liquor enforcement and liquor licensing.

HB 95, permitting an insurer to operate a health maintenance organization as a line of business.

HB 106, relative to filing for town offices.

HB 111, relative to redispensing unused drugs.

HB 112, relative to the required number of instructional days and instructional hours in a school district's calendar.

HB 142-FN, relative to sales of artificial flowers and miniature flags.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute.

HB 172, relative to transporting school children to school and school-supported activities.

HB 185-FN, relative to determining bargaining units for purposes of public employee collective bargaining.

HB 206-FN, establishing an apprentice hunting license.

HB 229-FN-A, repealing the tax on gambling winnings.

HB 289, relative to procedures followed by funeral directors.

HB 333-FN, repealing certain provisions relating to the sale of oleomargarine.

HB 336, designating segments of the Mascoma River as a protected river.

HB 364, relative to the membership of the state committee on aging.

HB 404, relative to toilet facilities at recreational campgrounds or camping parks.

HB 491-FN, relative to divestiture of retirement system assets relating to Sudan.

HB 535, relative to the committee to study parole boards and parole board procedures.

HB 570, relative to licensure of guides by the fish and game department.

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department.

HJR 3, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation.

CONCURRENCE WITH AMENDMENTS

SB 16, relative to the placement of numerical tallies on a ballot.

RE-REFERRED TO COMMITTEE

HB 186-FN, relative to the definition of political communication.

HB 439-FN-L, relative to claiming an invasive species as a habitat.

HB 627-FN, relative to “essential benefits” under federal health care reform.

LAID ON THE TABLE

HB 36-FN-L, reducing the fee for copies of birth certificates.

HB 42, relative to the appropriate officials with whom to file for a primary.

HB 136-FN, repealing the uniform athlete agents act.

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school.

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

NONCONCURRENCE

HB 231-FN, relative to payment of medical benefits for state retirees, their spouses, and dependents.

HB 368-FN-L, relative to workforce housing and the definition of community.

HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

RECESS

(Rep. Sanborn in the Chair)

ENROLLED BILL AMENDMENT

SB 26, establishing a committee to study the classification of motor vehicles. (Amendment printed SJ 4-20-11)

Adopted.

SB 35-FN-A, relative to exemption from the definition of utility property for purposes of the utility property tax. (Amendment printed SJ 4-20-11)

Adopted.

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Emerson off the Committee on Health, Human Services and Elderly Affairs; on the Committee on Redress of Grievances.

RECESS

(Rep. Giuda in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 288 and Senate Bills numbered 18, 25, 29, 31, 43, 60, 85, 140 and 174.

Rep. Kidder, Sen. Prescott for the Committee

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Ward on the Committee on Health, Human Services and Elderly Affairs.

SENATE MESSAGES**CONCURRENCE**

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

HB 58, relative to inter-facility transfers of critical access hospital patients.

HB 86, relative to filling a vacancy among county officers.

HB 92, relative to expiration of licenses issued by the board of foresters.

HB 115, relative to the temporary removal or transfer of prisoners from a county correctional facility.

HB 143, relative to the sale of stove polish.

HB 144, relative to energy efficiency and clean energy districts.

HB 148, relative to federal funding for motorcycle-only roadside checkpoints.

HB 196, relative to the certificates of completion of a basic hunter education program or bow hunter education program.

HB 262-FN, relative to beverage manufacturers.

HB 386, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees.

HB 549, relative to driver's license reexaminations.

HB 558, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts.

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

HB 621-FN-L, relative to the authority of the department of transportation.

CONCURRENCE WITH AMENDMENTS

SB 66, relative to nonresident tuition for motorcycle rider education.

SB 102, establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

LAID ON THE TABLE

HB 397, relative to image display devices in motor vehicles.

HB 426, adding certain entities to the unused prescription drug program.

HB 451-FN, relative to prerecorded political messages.

NONCONCURRENCE

HB 230, exempting the repair of certain structures from compensatory mitigation requirements.

HB 548, relative to boater safety education and relative to the minimum age for operation of motorized vessels.

RECESS

(Speaker O'Brien in the Chair)

Rep. Silva moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 16

Wednesday, April 27, 2011

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Dear Lord, in this season when many have celebrated the liberation of Passover and the resurrection of Easter, we pray that You stand by us too as we proclaim attitudes of joy and peace in our work to legislate to secure the common good. Give us an appreciation of the dignity bestowed on all things new and perishable. We ask for restored health to those who are ill, to Representative Tony Pellegrino, to those who cannot be with us, those who are disenfranchised and those in harm's way. We still rely on Your intercession Lord, in what we think is a self-made world to keep us attentive to the beauty of new life that springs from the earth, to the vital love which comes from caring for each other as well as the preservation of the living ideals of those who wish and deserve freedom. Keep us focused today on the ultimate benefit of those we serve in the great State of New Hampshire. We pray this in Your Holy name. Amen.

Representative Kathleen Taylor, member from Franconia, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Champagne, Charron, Fleck, Hofemann, Karen Hutchinson, Ladd, Levasseur, Messier, Pellegrino, Rosenwald and Soltani, the day, illness.

Reps. Beattie, Bolster, Brendon Browne, Copeland, Coughlin, Garcia, Gary Hopper, Introne, Lefebvre, Leonard, Lovejoy, Lovett, Marcus, Bruce MacMahon, Nordgren, William O'Connor, Peckham, Pelletier, Amy Perkins, Lawrence Perkins, Michael Reed, Kevin Sullivan, Summers, Thomas and Tucker, the day, important business.

Reps. Pantelakos and Schroadter, the day, death in the family.

INTRODUCTION OF GUESTS

Ellamae Hess, mother of Rep. Hess. Lori, Aiden and Kieran Cox, wife and sons of Rep. Cox. Mary Simard, wife of Rep. Simard. Phyllis Burt, wife of Rep. Burt. Seamus Alukonis, guest of Rep. Silva. Nina DeJong, Judith Messenger and Susan Long, mother and aunts of Rep. DeJong. Barbara Dupont and Michael Bradley, sister and guest of Rep. Porter. Jack Kennedy and the Honorable Martha McLeod, former member from Franconia, husband and guest of Rep. Taylor. Karen and Kevin Hayes, daughter and son-in-law of Rep. Erickson. Rhonda, Stephanie, Rebecca and Emily Lambert and Samantha Harrison, wife, daughters and guest of Rep. Lambert. Becca Peterson, daughter of Rep. Peterson.

Brianna Hartford of Littleton High School and Matthew Geason of Hanover High School, Pages for the day.

DECLARATION

In Recognition of Bob Lawton

WHEREAS, Bob Lawton recently celebrated his 80th birthday on March 2nd, 2011; and **WHEREAS**, in 1952 at the age of 21, Bob Lawton borrowed \$750.00 from his grandmother, Mary Long, to purchase The Weirs Sport Center at the Weirs, which later was relocated north of Weirs Beach and renamed Funspot. To this day he continues to work 7 days a week; and the center is certified by The Guinness Book of World Records as the largest arcade in the world, and **WHEREAS**, having served a total of 8 terms in the New Hampshire Legislature from 1969 to 1980, and again from 1995 to 1998. During his 1969-1970 term, Bob Lawton was the sole sponsor of a bill to have the new state motto "Live Free or Die" replace the word "scenic" on our license plates; and **WHEREAS**, "Live Free or Die" was a toast written by General John Stark on July 31, 1809, and in 2003 Bob Lawton's son David was a member of the Legislature when he sponsored a bill so that we now celebrate General John Stark Day on the 4th Monday in April; now therefore, be it

DECLARED, by the Speaker of the New Hampshire House of Representatives, that Bob Lawton be congratulated on his many accomplishments and that best wishes be extended to him and his family for continued good health and much enjoyment.

Offered by Rep. Gene Chandler and current and former members from the Lakes Region.

INTRODUCTION OF SPECIAL GUESTS

The Honorable Robert Lawton, former member from Meredith and the Honorable David Lawton, former member from Meredith, guests of the House.

PETITION

Petitioner Representative Al Baldasaro of Londonderry, on behalf of David Johnson, seeks redress relative to a dispute with the State of New Hampshire, two marital masters, three judges, a guardian ad litem, and the Administrative Director of the Family Division of the court.

The Speaker referred the Petition to the Committee on Redress of Grievances.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 444-FN, relative to the commemoration of General John Stark Day. (Amendment printed SJ 4-13-11)

Rep. Carol McGuire moved that the House concur and spoke in favor.

Adopted.

HB 71, authorizing establishment of pharmaceutical drug take-back programs. (Amendment printed SJ 4-20-11)

Rep. Reagan moved that the House concur and spoke in favor.

Adopted.

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. (Amendment printed SJ 4-13-11)

Rep. Hawkins moved that the House concur and spoke in favor.

Adopted.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 152-FN, relative to participation in state employees' group insurance by members of the general court, removed by Rep. Antosz.

SB 173, proclaiming January 24, 2012 as Granny D. Day, removed by Rep. DeLemus.

Consent Calendar adopted.

SB 54, relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations. **OUGHT TO PASS.** Rep. Donna L. Schlachman for Commerce and Consumer Affairs: This bill changes language in existing statute to enable more timely transfers of foreclosed properties by exempting the mortgage holders from the lengthy process of re-registering the property with the attorney general's office. The bill also adds to the duties of the "committee to study the laws related to condominium and homeowners associations" that was established in 2010 and has already submitted a preliminary report. Vote 17-0. Referred to the Committee on Judiciary.

SB 62, relative to persons participating in the return to work program. **OUGHT TO PASS.**

Rep. Donna C. Mauro for Commerce and Consumer Affairs: This bill exempts all individuals who participate in the New Hampshire return to work program from the definition of employment and allows placement of any individual in a 6 week on-the-job program that benefits both the individual and the company. Vote 17-0.

SB 40, making technical corrections to meals and rooms tax laws. **OUGHT TO PASS.**

Rep. Peter T. Hansen for Executive Departments and Administration: This bill addresses the department's need to reflect changes in the rooms and meals tax and creates remedies for non-compliant

tax remitters. It also defines when a license is in effect during an appeal, defines policy changes for the licensing and renewal licenses of establishments which have been revoked and addresses non compliance remedies of the agency rules. Vote 10-0.
Referred to the Committee on Ways and Means.

SB 92, establishing an economic strategic commission to review the relationship between business and government. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill sets up a commission to review the relationship between business and government, with the goal of improving the business climate in New Hampshire. The commission includes members of the business community, experts in business law, commissioners of agencies that deal with businesses and the judicial office of mediation. It will examine the implementation of the "one door" interface with government, the appeal process from administrative rulings and New Hampshire business laws and regulations, then make recommendations for legislation. The commission sunsets in December, 2012. Vote 12-1.

Amendment (1513h)

Amend RSA 359-K:1, I as inserted by section 1 of the bill by replacing it with the following:

I. The general court finds that public policies are urgently required to restore the strength and sustain growth of the New Hampshire economy, in order to create new job opportunities, reduce under-employment, and enhance the opportunity to re-establish the philosophy that the New Hampshire advantage is predicated on a belief that the business to government relationship is best served when government embraces responsible business success and nurtures good behavior. This belief is meant to increase the prosperity and enhance the opportunities of the people of New Hampshire. The general court finds that such public policies must be pursued in a coherent, consistent, and comprehensive manner, both to meet the immediate economic and social challenges and to serve as the foundation for future interests of the state and its people. The general court charges the commission established in this chapter to examine all aspects of the business to government relationship and establish measures to further economic development, capital formation, business assistance, infrastructure development, physical and intellectual protections, and equal due process in conflict resolution through legislative initiatives.

Amend RSA 359-K:3, I as inserted by section 1 of the bill by inserting after subparagraph (d) the following:

(e) Three commissioners of New Hampshire departments, one of whom shall be appointed by the governor, one of whom shall be appointed by the senate president, and one of whom shall be appointed by the speaker of the house of representative.

Amend RSA 359-K:4, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Examine existing New Hampshire laws, in comparison to the laws of other states, to determine New Hampshire's competitiveness and recommend legislation to re-position New Hampshire as the preeminent state in America to start and operate a business.

Amend RSA 359-K:5 as inserted by section 1 of the bill by replacing it with the following:

359-K:5 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Thirteen members of the commission shall constitute a quorum.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill is the result of a LEAN process analysis by stakeholders on how to streamline the administrative rules process. It makes several changes: shortens the public comment period following a public hearing from 10 to 5 days, provides for electronic publication of the rules register, authorizes agencies to hold a second public hearing when substantive changes are made in response to public comments at the initial public hearing, expands the life-span of rules from 8 to 10 years, makes provisions for allowing incorporation by reference of Internet content, allows emergency rules to be adopted when substantial fiscal harm could occur if not addressed expeditiously and requires the director of legislative services to develop a process for expedited re-adoption of rules which contain no substantive changes. The amendment changes the due date for the development of an expedited re-adoption process from November 1, 2011, to November 1, 2012 and changes the window for the introduction of a joint resolution by the joint committee on administrative rules from 10 to 20 business days. Vote 13-0.

Amendment (1442h)

Amend the bill by replacing section 14 with the following:

14 Expedited Process for Readoption of Rules. The director of legislative services shall develop an expedited process for readopting rules which contain no changes or contain only minor changes. Minor changes shall include renumbering, updating internal references, references to documents incorporated by reference, date and year changes, typographical or grammatical errors, and other editorial changes. The director shall consult with agency staff as necessary. The director shall provide a report on an expedited process and any proposals for legislation to the chairperson of the joint legislative committee on administrative rules not later than November 1, 2012.

Amend the bill by inserting after section 15 the following and renumbering the original sections 16-17 to read as 17-18, respectively:

16 Review by the Joint Legislative Committee on Administrative Rules; Introduction of Joint Resolution. Amend RSA 541-A:13, VII(c) to read as follows:

(c) If the committee votes to sponsor a joint resolution pursuant to subparagraph VII(b), the joint resolution shall be introduced in the house of representatives or senate within ~~[+0]~~ 20 business days of such vote when the general court is in session and ~~[+0]~~ 20 business days of the start of the following legislative session if such vote occurs when the general court is not in session. If a joint resolution is not introduced within this time frame, the agency may adopt the rule. If a joint resolution is introduced within this time frame, the agency shall be prevented from adopting and filing such rule until final legislative action is taken on the resolution or the passage of 90 consecutive calendar days during which the general court shall have been in session, whichever occurs first. The 90 calendar day period shall commence on the date such joint resolution has been introduced. If the session of the general court adjourns prior to the sixtieth calendar day after such joint resolution has been introduced, then the agency shall be prevented from adopting and filing such rule until 90 calendar days, beginning with the next session of the general court, have passed.

AMENDED ANALYSIS

This bill:

- I. Shortens the public comment period after a public hearing.
- II. Gives the director of legislative services limited discretion in the publication of rulemaking notices.
- III. Provides for electronic copies of the rulemaking register.
- IV. Allows agencies to hold a second public hearing on proposed rules.
- V. Extends the expiration date of rules to 10 years and allows for extending rules by filing re-adoption of currently effective rules.
- VI. Allows for incorporation by reference of Internet content.
- VII. Modifies procedures for interim and emergency rulemaking.
- VIII. Requires the director of legislative services to develop a process for expedited re-adoption of rules.
- IX. Extends the date for introduction of a joint resolution by the joint legislative committee on administrative rules.

Referred to the Committee on Finance.

SB 104, relative to certain agricultural operations and certain bonds for excavation and driveways. **OUGHT TO PASS.**

Rep. John A. Burt for Municipal and County Government: This bill does three things. It requires municipalities be equitable and reasonable when they require that a business or individual post a bond to use a municipal road. This will help protect those businesses and individuals required to post such bonds by insuring they do not pay for someone else's damage to the road. Secondly, SB 104 encourages municipalities to preserve agricultural operations when adopting zoning ordinances. Currently, municipalities are encouraged to adopt zoning ordinances to preserve agricultural buildings and lands. Extending this to include the agricultural operation is important because it is the agricultural operation or business that ultimately supports the buildings and land. Thirdly, SB 104 clarifies that planning boards do not have review or regulatory authority over timber harvests. Arguably this is already in law, but due to a number of recent instances where Planning Boards are attempting to regulate timber harvesting, the law needs to be clearer. SB 104 provides this clarity. SB 104 was broadly supported by the New Hampshire Timberland Owners Association, New Hampshire Farm Bureau Federation, New Hampshire Municipal Association, New Hampshire Division of Forest and Lands and the Society for the Protection of New Hampshire's Forests. Vote 17-0.

SB 144, relative to extending certain permits and approvals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for Resources, Recreation and Development: Through a drafting error, SB 144, which is a bill containing subject matter within the purview of the Municipal and County Government Committee, also had attached to it a section nearly identical to that contained within SB 38, a bill the Resources, Recreation and Development Committee heard the previous week. Accordingly, R R & D amended SB 144 to remove this identical section and passed the remainder of the bill with the expectation that this now clean bill, dealing with planning board activities, would be referred to the proper committee. Vote 13-0.

Amendment (1393h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to extending permits and approvals for subdivision of land.

Amend the bill by deleting sections 2-3 and renumbering the original section 4 to read as 2.

AMENDED ANALYSIS

This bill extends certain permits and approvals for subdivision of land.

Referred to the Committee on Municipal and County Government.

SB 42, relative to the declaration of consideration for purposes of the real estate transfer tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary S. Azarian for Ways and Means: This bill was brought about by a request of the department of revenue administration. The purpose of the bill is to separate the sensitive information of the buyer and seller during the closing of real estate transactions. Vote 18-0.

Amendment (1350h)

Amend RSA 78-B:10, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Contain a space immediately below the statement in subparagraph (a) for the dated and witnessed ~~[signatures of both buyer and seller]~~ *signature of the purchaser, grantee, assignee, or transferee* of the deeded real estate *on their respective declaration of consideration and for the dated and witnessed signature of the seller, grantor, assignor, or transferor of the deeded real estate on their respective declaration of consideration.*

Amend RSA 78-B:10, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The ~~[declaration]~~ *declarations* required by this section shall be filed ~~[with the department of revenue administration]~~ *separately* by the purchaser, grantee, assignee, or transferee, *and the seller, grantor, assignor, or transferor with the department of revenue administration*, no later than 30 days from the recording of the deed at the registry of deeds or transfer of real estate, whichever is later.

SB 56-FN, authorizing the department of revenue administration to accept credit card and debit card payments of taxes. **OUGHT TO PASS.**

Rep. Keith Murphy for Ways and Means: This bill authorizes the department of revenue administration to accept credit and debit cards when collecting taxes. It provides a convenience to taxpayers that choose to use it and the department anticipates some savings due to the ease of processing electronic payments compared to the 265,000 paper checks currently processed annually. Implementation will cost the state nothing and processing fees will be paid by the taxpayer to the chosen payment processor. This same method has been used for years by the secretary of state with great success. Vote 19-0.

Referred to the Committee on Finance.

SB 130-FN-A, repealing the tax on gambling winnings. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank V. Sapareto for Ways and Means: This bill is the Senate version of the repeal on gambling tax winnings. At this time both bodies have passed HB 157, the House version. This bill has become redundant and unnecessary. With the consent of the Senate, it was agreed to ITL this bill. Vote 20-0.

REGULAR CALENDAR

SB 57, relative to regulation of title loan lenders. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth N. Gidge for the Majority of Commerce and Consumer Affairs: The committee has historically supported providing credit options for New Hampshire consumers. These options have

included title loans. Title loans are short term (30 day), small dollar loans based on a percentage of the value of a fully paid off car, which is used for collateral. Since the loans are based on the value of the car and the borrower's ability to pay (credit scores are not checked), title loans often have higher interest rates. SB 57 allows for title lending in New Hampshire again. It is an industry that provided over 48,000 consumer loans in the state with only 12 complaints to the NH Banking Department. There are consumer protections in law regarding disclosures and limits. We believe that a consumer has the right and the ability to make financial decisions without government intrusion. Vote 16-2.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: This bill creates public policy that allows a business to prey on people's desperation. The minority does not believe this is the direction NH should be moving especially in a time when we know many families are turning to public agencies for assistance to meet their basic needs. The committee heard testimony from the director of NH's consumer protection bureau and from NH Legal Assistance against this bill. In addition, the committee learned that the NH Community Loan fund, which works with individuals and groups to foster financial self-sufficiency, is developing a low-interest loan program. The minority believes it is good public policy and in the best interest of NH's citizens to wait for a more appropriate product to become available.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Vaillancourt offered floor amendment (1549h).

Floor Amendment (1549h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to regulation of title loan lenders, and reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 16:

3 Local Interest Rate; Pease Development Authority Lessees. Amend RSA 12-G:14, II(b)(1) to read as follows:

(1) Interest shall accrue on the unpaid taxes at a rate of ~~[18]~~ 9 percent per annum from the due date until such taxes are paid;

4 Excavation Taxes. Amend RSA 72-B:6 to read as follows:

72-B:6 Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 72-B:4 shall bear interest at the rate of ~~[18]~~ 9 percent per year computed from the due date. Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the municipality. In addition to the interest due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

5 Property Taxes; Interest on Late Payment. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at ~~[12]~~ 6 percent per annum shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due in an amount up to \$25 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in the collector's judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on the list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

6 Property Taxes; Quarterly Billing. Amend RSA 76:15-aa, IV to read as follows:

IV. Interest at the rate of ~~[12]~~ 6 percent per annum shall be charged on all taxes not paid on or before their due dates or 30 days after mailing, whichever is later.

7 Unpaid Taxes; Normal Yield Tax. Amend RSA 79:4-a to read as follows:

79:4-a Unpaid Taxes. The taxes which are not paid when due pursuant to RSA 79:3 shall bear interest at the rate of ~~[18]~~ 9 percent per year computed from the due date. Interest and penalties on the tax shall be collected by the tax collector and deposited in the general fund of the town. In addition to the interest due, a penalty for failure to pay may be assessed against the owner as provided in RSA 21-J:33.

8 Current Use; Land Use Change Tax. Amend RSA 79-A:7, II(d) to read as follows:

(d) Payment of the land use change tax, together with the recording fees due the register of deeds, shall be due not later than 30 days after mailing of the tax bills for such tax, and interest at the rate of [†8] 9 percent per annum shall be due thereafter on any taxes not paid within the 30-day period.

9 Discretionary Easements. Amend RSA 79-C:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of [†8] 9 percent per annum shall be due thereafter on any consideration not paid within the 30-day period.

10 Discretionary Preservation Easements. Amend RSA 79-D:9, II(d) to read as follows:

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of [†8] 9 percent per annum shall be due thereafter on any consideration not paid within the 30-day period.

11 Community Revitalization Tax Relief Incentive. Amend RSA 79-E:9, II(d) to read as follows:

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of [†8] 9 percent per annum shall be due thereafter on any amount not paid within the 30-day period. Interest at [†2] 6 percent per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

12 Collection of Taxes; Tax Sales; Redemption; Interest Rate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his *or her* absence, at his *or her* usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at [†8] 9 percent per annum upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his *or her* bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

13 Collection of Taxes; Tax Sales; Subsequent Tax; Interest Rate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subsequent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county, or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed, and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of deeds of the payment of subsequent tax plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his *or her* purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his *or her* purchase at the tax sale to be included in his *or her* costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of [†8] 9 percent per annum from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

14 Collection of Taxes; Tax Liens; Redemption; Interest Rate. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given

by the collector, the amount of the real estate lien, with interest at ~~[18]~~ **9** percent per annum upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city, or shall have been discharged from his *or her* bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

15 Collection of Taxes; Tax Liens; Interest Rate. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his *or her* service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of ~~[18]~~ **9** percent per annum from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

AMENDED ANALYSIS

This bill:

I. Increases the maximum percentage of interest allowed to be charged by title loan lenders annually.

II. Reduces the number of additional pay periods for which a lender may allow a title loan to be renewed.

III. Requires a borrower whose title loan has been renewed to pay at least 10 percent of the loan's original principal balance at the time of renewal.

This bill also lowers the interest rates applicable to late and delinquent property tax payments, subsequent payments, and other unpaid taxes enforced through the lien procedure.

Reps. Betsey Patten and Hunt spoke against.

Rep. Vaillancourt spoke in favor and requested a roll call; sufficiently seconded.

YEAS 134 NAYS 213

YEAS 134

BELKNAP

Comtois, Guy
Simpson, Tyler

Kingsbury, Robert
Tilton, Franklin

Malone, Robert

Pilliod, James

CARROLL

Babson, David Jr

Scala, Dino

CHESHIRE

Carr, Daniel

Cartwright, Anne

Chase, Cynthia

Hawkes, Samuel

COOS

Coulombe, Gary

Daugherty, Duffy

Merrick, Evalyn

GRAFTON

Gionet, Edmond
Taylor, Kathleen

Ingbretson, Paul
Townsend, Charles

Reilly, Harold Sr

Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Brunelle, Michael
DeJong, Cameron

Balboni, Michael
Bergevin, Jerry
Burt, John
Donovan, Daniel

Ball, J. Michael
Brown, Kevin
Daniels, Gary
Erickson, Duane

Baroody, Benjamin
Brownrigg, Randall Jr
Day, Russell
Fredette, Robert

Garrity, Patrick
Holden, Frank
Kurk, Neal
Mecheski, Holly
Ober, Lynne
Rowe, Robert
Souza, Kathleen
Ulery, Jordan

Greazzo, Phil
Hutchinson, Winfred
Lambert, George
Moran, Edward
Ober, Russell III
Scoutsas, Lisa
Sullivan, Daniel
Vaillancourt, Steve

Hinch, Richard
Katsiantonis, Thomas
Maltz, Jonathan
Murphy, Keith
Palmer, Stephen
Shaw, Barbara
Swank, Matthew
Willette, Robert

Hogan, Edith
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Peterson, Lenette
Simmons, Tammy
Twombly, Timothy

MERRIMACK

Cox, Sean
Kreis, Kenneth Sr
Potter, Frances
Richardson, Jon
Winter, Steven

Frazer, June
Lindsley, Mark
Reed, Dennis
Sanborn, Laurie

Giuda, J. Brandon
McDonnell, John
Rice, Chip
Wallner, Mary Jane

Hoell, J.R.
McGuire, Dan
Richardson, Gary
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Davenport, Joshua
Elliott, Robert
Itse, Daniel
Murphy, Brian
Reagan, John
Sedensky, John
Tasker, Kyle

Birdsell, Regina
DiPentima, Rich
Gould, Kenneth
Kolodziej, Walter
Okerman, Richard
Rice, Frederick
Sheffert, Kenneth
Tremblay, Stella

Cali-Pitts, Jacqueline
Dowling, Patricia
Hagan, Joseph
Lundgren, David
Oigny, Jeffrey
Sanders, Elisabeth
Shuler, Wyman III
Webb, James

Comerford, Timothy
Duarte, Joe
Hoelzel, Kathleen
Manuse, Andrew
Read, Robin Jr
Schlachman, Donna
Tamburello, Daniel
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Horrigan, Timothy
Parsons, Robbie
Vita, Lucien

Cataldo, Sam
Jones, Kyle
Pitre, Joseph
Weeden, Michael

Grassie, Anne
Jones, Laura
Spang, Judith

Groen, Warren
Larsen, Kirsten
Vita, Carol

SULLIVAN

Bowers, Spec

Cloutier, John

LaCasse, Paul Sr

NAYS 213

BELKNAP

Accornero, Harry
Luther, Robert
Swinford, Elaine

Fields, Dennis
Millham, Alida
Tobin, William

Flanders, Donald
Russell, David
Worsman, Colette

Greemore, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

McCarthy, Frank
Pettengill, Laurie

CHESHIRE

Butynski, William
Hunt, John
Meador, David
Roberts, Kris
Tatro, Bruce

Byrnes, John
Johnsen, Gladys
Moore, Charles
Sad, Tara
Weber, Lucy

Dwinell, Richard
Johnson, Jane
Moore, Robert Jr
Smith, Edwin
Weed, Charles

Emerson, Susan
Lerandeau, Alfred
Parkhurst, Henry
Sterling, Franklin Jr

COOS

Hatch, William
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

GRAFTON

Aguiar, James
Brosseau, Charles
Gould, Franklin
Pierce, David
Sorg, Gregory

Almy, Susan
Bulis, Lyle
Harding, Laurie
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Cooney, Mary
Mirski, Paul
Simard, Paul

Bradley, Lester
Eaton, Stephanie
Pastor, Beatriz
Smith, Suzanne

HILLSBOROUGH

Barry, Richard
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Gagne, Larry
Gimas, John
Graham, John
Hawkins, Kenneth
LeBrun, Donald
Palmer, Barry
Porter, Marjorie
Rhodes, Brian
Soucy, Connie
Villeneuve, Moe

Belanger, James
Campbell, David
Coffey, James
Doherty, Shaun
Gandia, Laura
Goley, Jeffrey
Haefner, Robert
Hikel, John
Long, Patrick
Parison, James
Pratt, Calvin
Robbins, David
Stepanek, Stephen
Warden, Mark

Belvin, William
Cebrowski, John
Condra, William
Emerton, Larry
Gargas, Carolyn
Gonzalez, Carlos
Hansen, Peter
Infantine, William
McGuinness, Sean
Pepino, Leo
Proulx, Mark
Seidel, Carl
Stroud, Kathleen
Whitehead, Randall

Boehm, Ralph
Christensen, D.L. Chris
Cote, David
Flanagan, Jack
Gidge, Kenneth
Gorman, Mary
Hardwick, Harry
Jeu, Jean
Ohm, Bill
Pilotte, Maurice
Renzullo, Andrew
Silva, Peter
Terrio, Ross

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Hess, David
Kotowski, Frank
McGuire, Carol
Seaworth, G. Brian
Watrous, Rick

Bouchard, Candace
DeStefano, Stephen
Hill, Gregory
Lauer-Rago, Kathleen
Owen, Derek
Shurtleff, Stephen

Coffey, Jennifer
Foote, Robert
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Cohn, Seth
Gile, Mary
Kidder, David
MacKay, James
Patten, Dick
Smith, Todd

ROCKINGHAM

Allen, Mary
Bates, David
Chirichiello, Brian
Garrit, James
Katsakiores, Phyllis
McMahon, Charles
O'Connor, John
Quandt, Matt
Sapienza, Marie
Sytek, John
Welch, David

Antosz, Jason
Bettencourt, David
DeSimone, Debra
Griffin, Mary
Major, Norman
Moody, Marcia
Packard, Sherman
Reichard, Kevin
Serlin, Christopher
Waddell, James

Azarian, Gary
Brown, Paul
Ferrante, Beverly
Headd, James
Mauro, Donna
Nevins, Chris
Powers, James
Ritter, Glenn
Smith, William
Ward, Joanne

Baldasaro, Alfred
Case, Frank
Fesh, Robert
Kappler, Lawrence
McKinney, Betsy
Norelli, Terie
Quandt, Marshall
Sapareto, Frank
Sullivan, James
Waterhouse, Kevin

STRAFFORD

Berube, Roger
Hooper, Dorothea
Munck, Philip
Schmidt, Peter
Watters, David

Brown, Julie
Kaen, Naida
Newton, Clifford
Spainhower, Dale

DeLemus, Susan
Keans, Sandra
Panek, William
Sprague, Dale

Ginsburg, Philip
Leonard, Frederick Jr
Roberts, Jenna
Wall, Janet

SULLIVAN

Cunningham, Steven
Osgood, Joe
and floor amendment (1549h) failed.

Gagnon, Raymond
Rodeschin, Beverly

Howard, Thomas
Schmidt, Andrew

Laware, Thomas
Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass.
 Rep. Schlachman spoke against and yielded to questions.
 Reps. Bergevin, Flanagan and Webb spoke against.
 Rep. Gidge spoke in favor.
 Rep. Hunt spoke in favor and yielded to questions.
 Rep. Bergevin requested a roll call; sufficiently seconded.

YEAS 180 NAYS 171**YEAS 180
BELKNAP**

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Simpson, Tyler
Swinford, Elaine	Tilton, Franklin		

CARROLL

Ahlgren, Christopher	Chandler, Gene	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

Dwinell, Richard	Hunt, John	Moore, Charles	Smith, Edwin
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Richardson, Herbert	Tholl, John Jr	Tremblay, Marc
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GRAFTON

Bradley, Lester	Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul
Mirski, Paul	Shackett, Jeffrey	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Barry, Richard	Belvin, William
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Daniels, Gary	DeJong, Cameron	Doherty, Shaun
Donovan, Daniel	Erickson, Duane	Gagne, Larry	Gandia, Laura
Gidge, Kenneth	Gorman, Mary	Graham, John	Greazzo, Phil
Haefner, Robert	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Holden, Frank	Hutchinson, Winfred	Infantine, William
Krasucki, Joseph	Maltz, Jonathan	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Murphy, Keith	Ober, Lynne	Ober, Russell III
Ohm, Bill	Palmer, Stephen	Parison, James	Pepino, Leo
Peterson, Lenette	Pratt, Calvin	Renzullo, Andrew	Robbins, David
Scotsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy
Stepanek, Stephen	Swank, Matthew	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
DeStefano, Stephen	Giuda, J. Brandon	Hess, David	Hill, Gregory
Hoell, J.R.	Keane, Thomas	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
McGuire, Carol	McGuire, Dan	Palfrey, David	Sanborn, Laurie
Seaworth, G. Brian	Smith, Molly	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Baldasaro, Alfred
Bettencourt, David	Birdsell, Regina	Brown, Paul	Comerford, Timothy
Davenport, Joshua	DeSimone, Debra	Duarte, Joe	Ferrante, Beverly

Griffin, Mary
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Packard, Sherman
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Headd, James
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Quandt, Marshall
Sapareto, Frank
Smith, William
Tasker, Kyle
Welch, David

Itse, Daniel
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Matt
Sapienza, Marie
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Reagan, John
Sedensky, John
Sytek, John
Ward, Joanne

STRAFFORD

Cataldo, Sam
Jones, Laura
Newton, Clifford
Vita, Lucien

DeLemus, Susan
Kaen, Naida
Panek, William
Weeden, Michael

Groen, Warren
Larsen, Kirsten
Parsons, Robbie

Jones, Kyle
Leonard, Frederick Jr
Vita, Carol

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas

Laware, Thomas

NAYS 171 BELKNAP

Kingsbury, Robert
St. Cyr, Jeffrey

Millham, Alida
Tobin, William

Pilliod, James
Worsman, Colette

Russell, David

CARROLL

Babson, David Jr
Morrow, Harry

Knox, J. David

McCarthy, Frank

McConkey, Mark

CHESHIRE

Butynski, William
Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Byrnes, John
Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Carr, Daniel
Hawkes, Samuel
Meador, David
Sad, Tara

Cartwright, Anne
Johnsen, Gladys
Moore, Robert Jr
Tatro, Bruce

COOS

Coulombe, Gary
Remick, William

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Aguiar, James
Bulis, Lyle
Pastor, Beatriz
Smith, Suzanne

Almy, Susan
Cooney, Mary
Pierce, David
Taylor, Kathleen

Benn, Bernard
Gould, Franklin
Reilly, Harold Sr
Townsend, Charles

Brosseau, Charles
Harding, Laurie
Simard, Paul
White, Andrew

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Cote, David
Flanagan, Jack
Gimas, John
Hardwick, Harry
Lambert, George
Moran, Edward
Porter, Marjorie
Rokas, Ted
Souza, Kathleen
Twombly, Timothy

Baroody, Benjamin
Brunelle, Michael
Cusson-Cail, Kathleen
Fredette, Robert
Goley, Jeffrey
Judy, Jean
LeBrun, Donald
Notter, Jeanine
Proulx, Mark
Rowe, Robert
Stroud, Kathleen
Ulery, Jordan

Barry, J. Gail
Campbell, David
Day, Russell
Gargas, Carolyn
Gonzalez, Carlos
Katsiantonis, Thomas
Long, Patrick
Palmer, Barry
Ramsey, Peter
Shaw, Barbara
Sullivan, Daniel

Belanger, James
Condra, William
Emerton, Larry
Garrity, Patrick
Hansen, Peter
Kurk, Neal
Mecheski, Holly
Pilotte, Maurice
Rhodes, Brian
Soucy, Connie
Terrio, Ross

MERRIMACK

Bouchard, Candace	Deloge, Helen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Kidder, David	Kotowski, Frank
Lindsley, Mark	Lockwood, Priscilla	MacKay, James	McDonnell, John
Owen, Derek	Patten, Dick	Potter, Frances	Reed, Dennis
Rice, Chip	Richardson, Gary	Richardson, Jon	Shurtleff, Stephen
Smith, Todd	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Azarian, Gary	Bates, David	Cali-Pitts, Jacqueline	Case, Frank
Chirichiello, Brian	DiPentima, Rich	Dowling, Patricia	Elliott, Robert
Fesh, Robert	Garrity, James	Gould, Kenneth	Hagan, Joseph
Hoelzel, Kathleen	Lundgren, David	Moody, Marcia	Norelli, Terie
Powers, James	Read, Robin Jr	Reichard, Kevin	Rice, Frederick
Sanders, Elisabeth	Schlachman, Donna	Serlin, Christopher	Sheffert, Kenneth
Waddell, James	Webb, James		

STRAFFORD

Andolina, Donald	Berube, Roger	Brown, Julie	Ginsburg, Philip
Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy	Keans, Sandra
Munck, Philip	Pitre, Joseph	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Spang, Judith	Sprague, Dale	Wall, Janet
Watters, David			

SULLIVAN

Cloutier, John	Gagnon, Raymond	LaCasse, Paul Sr	Schmidt, Andrew
Smith, Steven			

and the majority committee report was adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Baldasaro moved that ***SB 156-FN-L***, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications, be made a Special Order to the end of today's calendar.

Rep. Baldasaro spoke in favor.

On a division vote, 102 members having voted in the affirmative and 242 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

SB 156-FN-L, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for the Majority of Commerce and Consumer Affairs: New Hampshire state government has been taking a number of incremental steps forward technologically such as bringing innovation to the court system as we did in HB 609 and as we have done by moving more information onto the state's legislative website. SB 156 proposes to bring to car registration the same innovative principles. Currently, auto dealers often hire "runners" to bring title applications and car registrations to the division of motor vehicles (DMV) for approval. This legislation would allow a pilot program where dealers could connect directly with the DMV for these tasks by essentially "outstationing" DMV to the dealers' facility. Right now, dealers already can register off-road vehicles, snowmobiles, boats and heavy-duty trucks so this is a logical step forward building on a platform that already works. This also means car buyers can purchase and take delivery of their cars faster. Cities and towns will continue to get the information about buyers just as they do through the DMV today. They will also continue to get payments for the work done by the dealers, without incurring the cost of registering and doing title application in person. This is a needed step forward into the 21st century and will make government far more user-friendly for our citizens. Vote 14-4. Rep. Frederick C. Rice for the Minority of Commerce and Consumer Affairs: Although the opportunity to eliminate inconvenience to NH residents is an attractive one, there are multiple issues

and problems in the implementation of this program that do not support its adoption in this form. Among these are: it would force a mandate on cities and towns that they could not opt out of; it would allow local revenues to be controlled by auto dealerships; it would remove town and city treasurers' delegation of deposit authority; it would circumvent statutory deposit requirements; it would delay receipt of local funds; it would increase state and local expenses for audits, error correction and meeting expenses; and would not be consistent with current House efforts to curtail the broad rulemaking powers of state agencies and their ability to establish new fees without appropriate legislative reviews and approval.

Majority Amendment (1534h)

Amend RSA 261:74-o as inserted by section 5 of the bill by replacing it with the following:

261:74-o Optional Electronic Vehicle Registration Charge. Each dealer agent may collect a charge from the consumer to transmit electronically the registration and title data and the fees collected required to register a motor vehicle, issue a permit for registration, transfer a motor vehicle registration, or title a motor vehicle. This optional charge is in addition to other dealership fees or charges and the fees otherwise required to register a motor vehicle, issue a permit for registration, transfer a motor vehicle registration, or title a motor vehicle. The charge shall be separately stated and identified as "optional EVR charge" on the purchase agreement between the customer and the dealer agent and shall be disclosed on a separate document signed by the customer. If a customer declines to pay the optional electronic vehicle registration charge, the dealer agent is not required to register the vehicle, issue a permit for registration, title the vehicle, or collect the required fees. Amend RSA 261:74-s, III as inserted by section 5 of the bill by replacing it with the following:

III. To ensure the EVR integrator and dealer agents are accurately calculating the applicable fees and properly transmitting the fees and data, and that towns and cities may integrate the data and fees into the software used by towns and cities to transmit registration data to the state, the EVR program shall be implemented as follows:

(a) The first year of the EVR program shall involve a limited number of dealers and towns and cities as determined by the director and a single EVR integrator to ensure that the EVR program is successfully implemented. The director shall select which towns, cities, and dealers shall participate during the first year from a list of desiring volunteers submitted to the director by the senate president and the speaker of the house of representatives within 60 days of the effective date of this section. The director shall select the participants after obtaining the input of the New Hampshire City and Town Clerks' Association and the New Hampshire Automobile Dealers Association. The director shall ensure that a combination of large and small municipalities and large and small dealers are included in the initial group.

(b) After the EVR program has operated for 270 days, the director shall seek formal input from the EVR advisory group established in paragraph IV and towns, cities, and dealer agents involved in the program as to whether or not the EVR integrator and dealer agents are properly calculating and assessing applicable fees, properly transmitting the fees and data, and properly integrating data and moneys into the software used by towns and cities to transmit registration data to the state.

(c) After no more than 365 days of operation, the director, with consultation from the EVR advisory group established in paragraph IV, shall determine if the EVR program has achieved material compliance with the requirements set forth in RSA 261:74-h through RSA 261:74-s.

(d) The director, upon determining under subparagraph (c) that the EVR program has either achieved material compliance or has not achieved material compliance, shall report the basis for the determination to the president of the senate, the speaker of the house of representatives, and the senate and house standing committees with jurisdiction over commerce, and shall include any recommendations for statutory changes that may be necessary, in his or her opinion, to facilitate material compliance.

(e) If the director determines that there is a failure of the EVR program to materially comply with the requirements, he or she may, upon consultation with the EVR advisory group established in paragraph IV, authorize an additional 180 days of operation of the program to allow the achievement of material compliance with the requirements. No later than the one hundred eightieth day of the extension, the director shall, with consultation with the EVR advisory group, determine if material compliance with the requirements has been achieved. If material compliance has not been achieved by the end of the extension, the program shall end.

(f) Upon achievement of material compliance with the requirements of the EVR program, the director, upon consultation with the EVR advisory group established in paragraph IV, shall develop

a plan to bring all remaining towns and cities who are municipal agents under RSA 261:74-a into the EVR program and allow additional dealer agents to apply for inclusion in the program. Any municipality that is not a municipal agent shall not be required to participate in the EVR program.

(g) One year after the incorporation of the remaining municipal agents into the EVR program, the department may enter into agreements with additional EVR integrators.

(h) After the incorporation of all municipal agents into the EVR program, the director shall evaluate on a periodic basis, no less than annually, whether the EVR integrators and dealer agents are properly calculating and assessing applicable fees, properly transmitting the fees and data, and properly integrating data and moneys into the software used by towns and cities to transmit registration data to the state.

Rep. Hunt yielded to questions.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Keith Murphy offered floor amendment (1609h).

Floor Amendment (1609h)

Amend the title of the bill by replacing it with the following:

AN ACT authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications and relative to motor vehicle inspections.

Amend the bill by replacing all after section 5 with the following:

6 Vehicle Inspection; Frequency. Amend RSA 266:1, II to read as follows:

II. Any vehicle registered under this title, except an OHRV, snowmobile, moped, or other exempt vehicle, shall be inspected once ~~[a] every second~~ year, during the month in which the birth date of the owner is observed, if the owner is a natural person. ~~[An inspection sticker shall be valid for the same duration as the vehicle's registration, which shall not exceed 16 months. If the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, an inspection sticker may be issued, with an expiration date of the birth month in the following year, of the first person named on the title application.]~~ Nothing in this paragraph shall require any person who has registered and had inspected a vehicle with temporary plates to have the vehicle reinspected upon receipt of permanent motor vehicle plates. An inspection sticker shall not expire when a vehicle is transferred to a licensed dealer.

7 Motor Vehicle Inspections; Dates. Amend RSA 266:1, III to read as follows:

III. If the owner of the vehicle is a company or corporation or other than a natural person, the ~~[annual]~~ **biennial** inspection shall be made during the month designated by the director as the registration month for such legal entity. ~~[Vehicles registered as antique motor vehicles and antique motorcycles and which are 40 years old and over shall be inspected biennially.]~~ Antique motor vehicles and custom vehicles shall be inspected in the month of April. Without regard to the owner's birth date or registration month, motorcycles and recreational vehicles shall be inspected ~~[annually]~~ by July 1 **of every second year**.

8 Motor Vehicle Inspections; Fees. Amend RSA 266:2 to read as follows:

266:2 Fees. The fee for inspection stickers shall be ~~[\$3.25]~~ **\$6.50** for each sticker furnished an approved inspection station. The division shall transfer ~~[\$.25]~~ **\$.50** of each fee collected under this section to the motor vehicle air pollution abatement fund established by RSA 125-S:3 and ~~[\$.25]~~ **\$.50** of each fee collected under this section to the general fund. All unused stickers returned by the approved inspection station to the division shall be refundable at the rate of ~~[\$3.25]~~ **\$6.50** each, except that unused stickers purchased from the division for a fee of \$2.50 shall be refundable at the rate of \$2.50 each **and unused stickers purchased from the division for a fee of \$3.25 shall be refundable at the rate of \$3.25 each.**

9 Effective Date.

I. Sections 6-8 of this act shall take effect January 1, 2012.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications. This bill changes the annual motor vehicle inspection requirement to a biennial requirement. This bill also raises the fee for inspection stickers from \$3.25 to \$6.50.

Reps. Keith Murphy and Tamburello spoke in favor.

Rep. Vaillancourt spoke in favor and yielded to questions.

Reps. Frederick Rice, Packard and Hunt spoke against.
Rep. Tamburello requested a roll call; sufficiently seconded.

YEAS 130 NAYS 218**YEAS 130
BELKNAP**

Comtois, Guy	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Swinford, Elaine		

CARROLL

Babson, David Jr	Knox, J. David	McCarthy, Frank	Pettengill, Laurie
Scala, Dino			

CHESHIRE

Butynski, William	Cartwright, Anne	Sad, Tara
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COOS

Daugherty, Duffy	Tremblay, Marc
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GRAFTON

Aguiar, James	Benn, Bernard	Brosseau, Charles	Gionet, Edmond
Gould, Franklin	Harding, Laurie	Ingbertson, Paul	Mirski, Paul
Pastor, Beatriz	Sorg, Gregory	Sova, Charles	Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brunelle, Michael	Burt, John
Buxton, Michael	DeJong, Cameron	Donovan, Daniel	Fredette, Robert
Gagne, Larry	Greazzo, Phil	Hardwick, Harry	Hogan, Edith
Holden, Frank	Hutchinson, Winfred	Katsiantonis, Thomas	Krasucki, Joseph
Kurk, Neal	Lambert, George	Maltz, Jonathan	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ober, Russell III
Ohm, Bill	Parison, James	Peterson, Lenette	Pilotte, Maurice
Pratt, Calvin	Robbins, David	Rowe, Robert	Scontsas, Lisa
Simmons, Tammy	Souza, Kathleen	Swank, Matthew	Terrio, Ross
Vaillancourt, Steve	Warden, Mark		

MERRIMACK

Cohn, Seth	Cox, Sean	Hill, Gregory	Hoell, J.R.
Keane, Thomas	Kreis, Kenneth Sr	McDonnell, John	McGuire, Carol
McGuire, Dan	Richardson, Jon	Seaworth, G. Brian	Shurtleff, Stephen
Wallner, Mary Jane	Winter, Steven		

ROCKINGHAM

Abrami, Patrick	Baldasaro, Alfred	Bates, David	Birdsell, Regina
Brown, Paul	Cali-Pitts, Jacqueline	Comerford, Timothy	Davenport, Joshua
Dowling, Patricia	Duarte, Joe	Hoelzel, Kathleen	Itse, Daniel
Manuse, Andrew	Murphy, Brian	Okerman, Richard	Oligny, Jeffrey
Quandt, Marshall	Quandt, Matt	Reichard, Kevin	Sapareto, Frank
Sheffert, Kenneth	Shuler, Wyman III	Smith, William	Sytek, John
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Webb, James
Welch, David			

STRAFFORD

DeLemus, Susan	Groen, Warren	Jones, Kyle	Jones, Laura
Keans, Sandra	Larsen, Kirsten	Leonard, Frederick Jr	Munck, Philip
Panek, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Weeden, Michael			

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	Schmidt, Andrew
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NAYS 218**BELKNAP**

Accornero, Harry	Fields, Dennis	Flanders, Donald	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Tilton, Franklin	Tobin, William	Worsman, Colette	

CARROLL

Ahlgren, Christopher	McConkey, Mark	Morrow, Harry	Patten, Betsey
Schmidt, Stephen	Tregenza, Norman	Umberger, Karen	

CHESHIRE

Byrnes, John	Carr, Daniel	Chase, Cynthia	Dwinell, Richard
Emerson, Susan	Hawkes, Samuel	Hunt, John	Johnsen, Gladys
Johnson, Jane	Lerandeau, Alfred	Meador, David	Moore, Charles
Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris	Smith, Edwin
Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy	Weed, Charles

COOS

Coulombe, Gary	Merrick, Evalyn	Rappaport, Laurence	Remick, William
Richardson, Herbert	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne

GRAFTON

Almy, Susan	Bradley, Lester	Bulis, Lyle	Cooney, Mary
Eaton, Stephanie	Pierce, David	Reilly, Harold Sr	Shackett, Jeffrey
Simard, Paul	Smith, Suzanne	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Barry, Richard	Belanger, James
Belvin, William	Brownrigg, Randall Jr	Campbell, David	Cebrowski, John
Christensen, D.L. Chris	Christiansen, Lars	Coffey, James	Condra, William
Cote, David	Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell
Doherty, Shaun	Emerton, Larry	Erickson, Duane	Flanagan, Jack
Gandia, Laura	Gargas, Carolyn	Garrity, Patrick	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Graham, John	Haefner, Robert	Hansen, Peter	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Infantine, William	Jeady, Jean
LeBrun, Donald	Long, Patrick	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Ober, Lynne	Palmer, Barry	Palmer, Stephen
Pepino, Leo	Porter, Marjorie	Proulx, Mark	Ramsey, Peter
Renzullo, Andrew	Rhodes, Brian	Rokas, Ted	Seidel, Carl
Shaw, Barbara	Silva, Peter	Soucy, Connie	Stepanek, Stephen
Stroud, Kathleen	Sullivan, Daniel	Twombly, Timothy	Ulery, Jordan
Villeneuve, Moe	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Deloge, Helen
DeStefano, Stephen	Foose, Robert	Frazer, June	Gile, Mary
Giuda, J. Brandon	Hamm, Christine	Hess, David	Kidder, David
Kotowski, Frank	Lauer-Rago, Kathleen	Lindsley, Mark	Lockwood, Priscilla
MacKay, James	Owen, Derek	Palfrey, David	Patten, Dick
Potter, Frances	Reed, Dennis	Rice, Chip	Richardson, Gary
Sanborn, Laurie	Smith, Molly	Smith, Todd	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Allen, Mary	Antosz, Jason	Azarian, Gary	Case, Frank
Chirichiello, Brian	DeSimone, Debra	DiPentima, Rich	Elliott, Robert
Ferrante, Beverly	Fesh, Robert	Garrity, James	Gould, Kenneth
Griffin, Mary	Hagan, Joseph	Headd, James	Kappler, Lawrence
Katsakiores, Phyllis	Kolodziej, Walter	Lundgren, David	Major, Norman
Mauro, Donna	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Nevins, Chris	Norelli, Terie	O'Connor, John	Packard, Sherman
Powers, James	Read, Robin Jr	Reagan, John	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sapientza, Marie	Schlachman, Donna
Sedensky, John	Serlin, Christopher	Sullivan, James	Waddell, James
Ward, Joanne	Waterhouse, Kevin	Weyler, Kenneth	

STRAFFORD

Andolina, Donald	Berube, Roger	Brown, Julie	Cataldo, Sam
Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy
Kaen, Naida	Newton, Clifford	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Spang, Judith	Sprague, Dale	Vita, Lucien
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	LaCasse, Paul Sr	Laware, Thomas
Osgood, Joe	Rodeschin, Beverly	Smith, Steven	

and floor amendment (1609h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Reps. Fields and Russell spoke against.

Rep. Frederick Rice spoke against and yielded to questions.

Reps. Dan McGuire and Daugherty spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Steven Smith moved that *SB 156-FN-L*, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications, be laid on the table.

Rep. LaCasse requested a roll call; sufficiently seconded.

YEAS 97 NAYS 249

YEAS 97**BELKNAP**

Fields, Dennis	Kingsbury, Robert	Swinford, Elaine	Tilton, Franklin
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CARROLL

McCarthy, Frank	Merrow, Harry	Patten, Betsey	Schmidt, Stephen
Tregenza, Norman			

CHESHIRE

Carr, Daniel	Cartwright, Anne	Chase, Cynthia	Hawkes, Samuel
Lerandeau, Alfred	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Merrick, Evalyn	Remick, William	Richardson, Herbert	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Gould, Franklin	Ingbertson, Paul
Pastor, Beatriz	Pierce, David	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Balboni, Michael
Cote, David
Hogan, Edith
LeBrun, Donald
Porter, Marjorie
Twombly, Timothy

Belvin, William
Fredette, Robert
Judy, Jean
Moran, Edward
Rokas, Ted

Bergevin, Jerry
Gandia, Laura
Katsiantonis, Thomas
Ober, Lynne
Rowe, Robert

Christensen, D.L. Chris
Garrity, Patrick
Kurk, Neal
Pilotte, Maurice
Soucy, Connie

MERRIMACK

DeStefano, Stephen
Kidder, David
Rice, Chip

Hamm, Christine
MacKay, James
Richardson, Gary

Hill, Gregory
Patten, Dick
Shurtleff, Stephen

Hoell, J.R.
Potter, Frances
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
McKinney, Betsy
Tamburello, Daniel

DiPentima, Rich
Read, Robin Jr
Weyler, Kenneth

Gould, Kenneth
Sapienza, Marie

Itse, Daniel
Sedensky, John

STRAFFORD

Cataldo, Sam
Jones, Laura
Roberts, Jenna
Vita, Lucien

Hooper, Dorothea
Kaen, Naida
Spainhower, Dale
Wall, Janet

Horrigan, Timothy
Keans, Sandra
Spang, Judith

Jones, Kyle
Pitre, Joseph
Sprague, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew

Cunningham, Steven
Smith, Steven

Gagnon, Raymond

Laware, Thomas

NAYS 249**BELKNAP**

Accornero, Harry
Luther, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Malone, Robert
Simpson, Tyler

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

Greemore, Robert
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
Pettengill, Laurie

Babson, David Jr
Scala, Dino

Knox, J. David
Umberger, Karen

McConkey, Mark

CHESHIRE

Butynski, William
Hunt, John
Moore, Charles

Byrnes, John
Johnsen, Gladys
Moore, Robert Jr

Dwinell, Richard
Johnson, Jane
Smith, Edwin

Emerson, Susan
Meador, David
Sterling, Franklin Jr

COOS

Coulombe, Gary
Tremblay, Marc

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

GRAFTON

Benn, Bernard
Cooney, Mary
Mirski, Paul
Smith, Suzanne

Bradley, Lester
Eaton, Stephanie
Reilly, Harold Sr
Sorg, Gregory

Brosseau, Charles
Gionet, Edmond
Shackett, Jeffrey
Sova, Charles

Bulis, Lyle
Harding, Laurie
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brownrigg, Randall Jr

Ball, J. Michael
Belanger, James
Burt, John

Baroody, Benjamin
Boehm, Ralph
Buxton, Michael

Barry, J. Gail
Brown, Kevin
Campbell, David

Cebrowski, John
 Cusson-Cail, Kathleen
 Doherty, Shaun
 Flanagan, Jack
 Gimas, John
 Graham, John
 Hardwick, Harry
 Holden, Frank
 Lambert, George
 McClarren, Donald
 Notter, Jeanine
 Palmer, Stephen
 Pratt, Calvin
 Rhodes, Brian
 Shaw, Barbara
 Stepanek, Stephen
 Terrio, Ross
 Warden, Mark

Christiansen, Lars
 Daniels, Gary
 Donovan, Daniel
 Gagne, Larry
 Goley, Jeffrey
 Greazzo, Phil
 Hawkins, Kenneth
 Hutchinson, Winfred
 Long, Patrick
 McGuinness, Sean
 Ober, Russell III
 Parison, James
 Proulx, Mark
 Robbins, David
 Silva, Peter
 Stroud, Kathleen
 Ulery, Jordan
 Whitehead, Randall

Coffey, James
 Day, Russell
 Emerton, Larry
 Gargas, Carolyn
 Gonzalez, Carlos
 Haefner, Robert
 Hikel, John
 Infantine, William
 Maltz, Jonathan
 Mecheski, Holly
 Ohm, Bill
 Pepino, Leo
 Ramsey, Peter
 Scountsas, Lisa
 Simmons, Tammy
 Sullivan, Daniel
 Vaillancourt, Steve
 Willette, Robert

Condra, William
 DeJong, Cameron
 Erickson, Duane
 Gidge, Kenneth
 Gorman, Mary
 Hansen, Peter
 Hinch, Richard
 Krasucki, Joseph
 McCarthy, Michael
 Murphy, Keith
 Palmer, Barry
 Peterson, Lenette
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Swank, Matthew
 Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
 Cox, Sean
 Gile, Mary
 Kotowski, Frank
 Lockwood, Priscilla
 Owen, Derek
 Sanborn, Laurie
 Wallner, Mary Jane

Bouchard, Candace
 Deloge, Helen
 Giuda, J. Brandon
 Kreis, Kenneth Sr
 McDonnell, John
 Palfrey, David
 Seaworth, G. Brian
 Winter, Steven

Coffey, Jennifer
 Foose, Robert
 Hess, David
 Lauer-Rago, Kathleen
 McGuire, Carol
 Reed, Dennis
 Smith, Molly

Cohn, Seth
 Frazer, June
 Keane, Thomas
 Lindsley, Mark
 McGuire, Dan
 Richardson, Jon
 Smith, Todd

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Davenport, Joshua
 Elliott, Robert
 Griffin, Mary
 Kappler, Lawrence
 Manuse, Andrew
 Murphy, Brian
 Okerman, Richard
 Quandt, Marshall
 Rice, Frederick
 Schlachman, Donna
 Smith, William
 Tremblay, Stella
 Webb, James

Allen, Mary
 Bates, David
 Case, Frank
 DeSimone, Debra
 Ferrante, Beverly
 Hagan, Joseph
 Katsakiores, Phyllis
 Mauro, Donna
 Nevins, Chris
 Oligny, Jeffrey
 Quandt, Matt
 Ritter, Glenn
 Serlin, Christopher
 Sullivan, James
 Waddell, James
 Welch, David

Antosz, Jason
 Bettencourt, David
 Chirichiello, Brian
 Dowling, Patricia
 Fesh, Robert
 Headd, James
 Kolodziej, Walter
 McMahon, Charles
 Norelli, Terie
 Packard, Sherman
 Reagan, John
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sytek, John
 Ward, Joanne

Azarian, Gary
 Birdsell, Regina
 Comerford, Timothy
 Duarte, Joe
 Garrity, James
 Hoelzel, Kathleen
 Lundgren, David
 Moody, Marcia
 O'Connor, John
 Powers, James
 Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Tasker, Kyle
 Waterhouse, Kevin

STRAFFORD

Andolina, Donald
 Ginsburg, Philip
 Leonard, Frederick Jr
 Parsons, Robbie
 Weeden, Michael

Berube, Roger
 Grassie, Anne
 Munc, Philip
 Schmidt, Peter

Brown, Julie
 Groen, Warren
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 Panek, William
 Watters, David

SULLIVAN

Bowers, Spec
 Rodeschin, Beverly
 and the motion failed.

Howard, Thomas

LaCasse, Paul Sr

Osgood, Joe

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
 Reps. Mauro and Tobin spoke against.
 Rep. Hunt spoke in favor and yielded to questions.
 Rep. Jennifer Coffey spoke in favor.
 Rep. Frederick Rice requested a roll call; sufficiently seconded.

YEAS 176 NAYS 166**YEAS 176
BELKNAP**

Comtois, Guy	Greemore, Robert	Worsman, Colette
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CARROLL

Ahlgren, Christopher	Babson, David Jr	Pettengill, Laurie	Scala, Dino
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CHESHIRE

Butynski, William	Hawkes, Samuel	Hunt, John	Lerandeau, Alfred
Meador, David	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr

COOS

Daugherty, Duffy	Rappaport, Laurence
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GRAFTON

Benn, Bernard	Bradley, Lester	Cooney, Mary	Ingbretson, Paul
Mirski, Paul	Pastor, Beatriz	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Barry, J. Gail	Barry, Richard	Belanger, James
Brown, Kevin	Brunelle, Michael	Burt, John	Buxton, Michael
Campbell, David	Cebrowski, John	Coffey, James	Daniels, Gary
Day, Russell	DeJong, Cameron	Donovan, Daniel	Erickson, Duane
Gagne, Larry	Gidge, Kenneth	Goley, Jeffrey	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Haefner, Robert	Hawkins, Kenneth
Hikel, John	Holden, Frank	Hutchinson, Winfred	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	Long, Patrick
Maltz, Jonathan	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Ohm, Bill	Palmer, Barry	Palmer, Stephen
Parison, James	Pepino, Leo	Pratt, Calvin	Proulx, Mark
Ramsey, Peter	Renzullo, Andrew	Rhodes, Brian	Robbins, David
Scoutsas, Lisa	Seidel, Carl	Shaw, Barbara	Silva, Peter
Simmons, Tammy	Souza, Kathleen	Stepanek, Stephen	Sullivan, Daniel
Swank, Matthew	Terrio, Ross	Vaillancourt, Steve	Warden, Mark
Whitehead, Randall			

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Cohn, Seth
Cox, Sean	Deloge, Helen	Gile, Mary	Hess, David
Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr	MacKay, James
McDonnell, John	McGuire, Carol	McGuire, Dan	Palfrey, David
Patten, Dick	Rice, Chip	Richardson, Gary	Sanborn, Laurie
Seaworth, G. Brian	Smith, Molly	Smith, Todd	Wallner, Mary Jane
Williams, Robert	Winter, Steven		

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Brown, Paul	Cali-Pitts, Jacqueline
Chirichiello, Brian	Comerford, Timothy	DiPentima, Rich	Duarte, Joe

Ferrante, Beverly
Kolodziej, Walter
Nevins, Chris
Oligny, Jeffrey
Quandt, Matt
Schlachman, Donna
Sullivan, James
Ward, Joanne

Fesh, Robert
Manuse, Andrew
Norelli, Terie
Packard, Sherman
Reichard, Kevin
Serlin, Christopher
Sytek, John
Waterhouse, Kevin

Garrity, James
McMahon, Charles
O'Connor, John
Powers, James
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel

Kappler, Lawrence
Murphy, Brian
Okerman, Richard
Quandt, Marshall
Sapareto, Frank
Smith, William
Tasker, Kyle

STRAFFORD

Andolina, Donald
Groen, Warren
Newton, Clifford
Watters, David

DeLemus, Susan
Larsen, Kirsten
Panek, William
Weeden, Michael

Ginsburg, Philip
Leonard, Frederick Jr
Parsons, Robbie

Grassie, Anne
Munck, Philip
Schmidt, Peter

SULLIVAN

Bowers, Spec

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

NAYS 166 BELKNAP

Accornero, Harry
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Tobin, William

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

Kingsbury, Robert
Pilliod, James
Swinford, Elaine

CARROLL

Knox, J. David
Patten, Betsey

McCarthy, Frank
Schmidt, Stephen

McConkey, Mark
Tregenza, Norman

Merrow, Harry
Umberger, Karen

CHESHIRE

Bymes, John
Dwinell, Richard
Moore, Charles
Tatro, Bruce

Carr, Daniel
Emerson, Susan
Parkhurst, Henry
Weber, Lucy

Cartwright, Anne
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Chase, Cynthia
Johnson, Jane
Sad, Tara

COOS

Coulombe, Gary
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

GRAFTON

Aguiar, James
Eaton, Stephanie
Pierce, David
Smith, Suzanne

Almy, Susan
Gionet, Edmond
Reilly, Harold Sr
Taylor, Kathleen

Brosseau, Charles
Gould, Franklin
Shackett, Jeffrey
Townsend, Charles

Bulis, Lyle
Harding, Laurie
Simard, Paul
White, Andrew

HILLSBOROUGH

Balboni, Michael
Brownrigg, Randall Jr
Cusson-Cail, Kathleen
Fredette, Robert
Gimas, John
Hinch, Richard
Moran, Edward
Rokas, Ted
Twombly, Timothy

Belvin, William
Christensen, D.L. Chris
Doherty, Shaun
Gandia, Laura
Gorman, Mary
Hogan, Edith
Peterson, Lenette
Rowe, Robert
Ulery, Jordan

Bergevin, Jerry
Condra, William
Emerton, Larry
Gargas, Carolyn
Hansen, Peter
Judy, Jean
Pilotte, Maurice
Soucy, Connie
Villeneuve, Moe

Boehm, Ralph
Cote, David
Flanagan, Jack
Garrity, Patrick
Hardwick, Harry
Katsiantonis, Thomas
Porter, Marjorie
Stroud, Kathleen
Willette, Robert

MERRIMACK

DeStefano, Stephen
Hill, Gregory

Frazer, June
Hoell, J.R.

Giuda, J. Brandon
Kidder, David

Hamm, Christine
Lauer-Rago, Kathleen

Lindsley, Mark
Reed, Dennis

Lockwood, Priscilla
Richardson, Jon

Owen, Derek
Shurtleff, Stephen

Potter, Frances

ROCKINGHAM

Allen, Mary
DeSimone, Debra
Griffin, Mary
Itse, Daniel
McKinney, Betsy
Rice, Frederick
Sheffert, Kenneth
Welch, David

Birdsell, Regina
Dowling, Patricia
Hagan, Joseph
Katsakiores, Phyllis
Moody, Marcia
Sanders, Elisabeth
Tremblay, Stella
Weyler, Kenneth

Case, Frank
Elliott, Robert
Headd, James
Lundgren, David
Read, Robin Jr
Sapienza, Marie
Waddell, James

Davenport, Joshua
Gould, Kenneth
Hoelzel, Kathleen
Mauro, Donna
Reagan, John
Sedensky, John
Webb, James

STRAFFORD

Berube, Roger
Horrigan, Timothy
Keans, Sandra
Spang, Judith
Wall, Janet

Brown, Julie
Jones, Kyle
Pitre, Joseph
Sprague, Dale

Cataldo, Sam
Jones, Laura
Roberts, Jenna
Vita, Carol

Hooper, Dorothea
Kaen, Naida
Spainhower, Dale
Vita, Lucien

SULLIVAN

Cloutier, John
Laware, Thomas

Cunningham, Steven
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

LaCasse, Paul Sr

and the majority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 176-166, it adopted the majority committee report of Ought to Pass with Amendment on **SB 156-FN-L**, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

Rep. Bettencourt spoke against.

Rep. Frederick Rice requested a roll call; sufficiently seconded.

YEAS 131 NAYS 211

YEAS 131

BELKNAP

Accornero, Harry
Russell, David
Tilton, Franklin

Fields, Dennis
Simpson, Tyler
Tobin, William

Kingsbury, Robert
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

CARROLL

Babson, David Jr

McCarthy, Frank

Patten, Betsey

Tregenza, Norman

CHESHIRE

Byrnes, John
Emerson, Susan
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Hawkes, Samuel
Roberts, Kris
Weed, Charles

Cartwright, Anne
Johnsen, Gladys
Sad, Tara

Chase, Cynthia
Moore, Charles
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

GRAFTON

Aguiar, James
Gionet, Edmond
Shackett, Jeffrey
Townsend, Charles

Almy, Susan
Gould, Franklin
Simard, Paul
White, Andrew

Bulis, Lyle
Harding, Laurie
Smith, Suzanne

Eaton, Stephanie
Reilly, Harold Sr
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Condra, William
Gargas, Carolyn
Hardwick, Harry
Moran, Edward
Porter, Marjorie
Twombly, Timothy

Belvin, William
Doherty, Shaun
Garrity, Patrick
Hinch, Richard
Notter, Jeanine
Rokas, Ted
Villeneuve, Moe

Bergevin, Jerry
Flanagan, Jack
Gimas, John
Judy, Jean
Peterson, Lenette
Rowe, Robert
Willette, Robert

Christensen, D.L. Chris
Fredette, Robert
Hansen, Peter
Katsiantonis, Thomas
Pilotte, Maurice
Stroud, Kathleen

MERRIMACK

DeStefano, Stephen
Lindsley, Mark

Hamm, Christine
Lockwood, Priscilla

Hoell, J.R.
Richardson, Jon

Lauer-Rago, Kathleen
Shurtleff, Stephen

ROCKINGHAM

Allen, Mary
DeSimone, Debra
Griffin, Mary
McKinney, Betsy
Rice, Frederick
Sheffert, Kenneth
Weyler, Kenneth

Birdsell, Regina
Dowling, Patricia
Hoelzel, Kathleen
Moody, Marcia
Sanders, Elisabeth
Tremblay, Stella

Cali-Pitts, Jacqueline
Elliott, Robert
Lundgren, David
Powers, James
Sapienza, Marie
Waddell, James

Case, Frank
Gould, Kenneth
Mauro, Donna
Read, Robin Jr
Sedensky, John
Welch, David

STRAFFORD

Berube, Roger
Jones, Kyle
Spainhower, Dale
Vita, Lucien

Brown, Julie
Jones, Laura
Spang, Judith
Wall, Janet

Cataldo, Sam
Kaen, Naida
Sprague, Dale

Horrigan, Timothy
Keans, Sandra
Vita, Carol

SULLIVAN

Cloutier, John
Laware, Thomas

Cunningham, Steven
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

LaCasse, Paul Sr

NAYS 211**BELKNAP**

Comtois, Guy
Malone, Robert

Flanders, Donald
Pilliod, James

Greemore, Robert
Worsman, Colette

Luther, Robert

CARROLL

Ahlgren, Christopher
Pettengill, Laurie

Knox, J. David
Scala, Dino

McConkey, Mark
Schmidt, Stephen

Morrow, Harry
Umberger, Karen

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sterling, Franklin Jr

Dwinell, Richard
Meador, David

Hunt, John
Moore, Robert Jr

Johnson, Jane
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Benn, Bernard
Ingbreton, Paul
Sorg, Gregory

Bradley, Lester
Mirski, Paul
Sova, Charles

Brosseau, Charles
Pastor, Beatriz

Cooney, Mary
Pierce, David

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Burt, John

Barry, J. Gail
Brown, Kevin
Buxton, Michael

Barry, Richard
Brownrigg, Randall Jr
Campbell, David

Belanger, James
Brunelle, Michael
Cebrowski, John

Coffey, James	Cote, David	Cusson-Cail, Kathleen	Daniels, Gary
Day, Russell	DeJong, Cameron	Donovan, Daniel	Emerton, Larry
Erickson, Duane	Gagne, Larry	Gandia, Laura	Gidge, Kenneth
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Greazzo, Phil	Haefner, Robert	Hawkins, Kenneth	Hikel, John
Hogan, Edith	Holden, Frank	Hutchinson, Winfred	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	Long, Patrick
Maltz, Jonathan	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Murphy, Keith	Ober, Lynne	Ober, Russell III
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pepino, Leo	Pratt, Calvin	Proulx, Mark	Ramsey, Peter
Renzullo, Andrew	Rhodes, Brian	Robbins, David	Scotsas, Lisa
Seidel, Carl	Shaw, Barbara	Silva, Peter	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Stepanek, Stephen	Sullivan, Daniel
Swank, Matthew	Terrio, Ross	Ulery, Jordan	Vaillancourt, Steve
Warden, Mark	Whitehead, Randall		

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Cohn, Seth
Cox, Sean	Deloge, Helen	Frazer, June	Gile, Mary
Giuda, J. Brandon	Hess, David	Hill, Gregory	Keane, Thomas
Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr	MacKay, James
McDonnell, John	McGuire, Carol	McGuire, Dan	Owen, Derek
Palfrey, David	Patten, Dick	Potter, Frances	Reed, Dennis
Rice, Chip	Richardson, Gary	Sanborn, Laurie	Seaworth, G. Brian
Smith, Molly	Smith, Todd	Wallner, Mary Jane	Williams, Robert
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Brown, Paul	Chirichiello, Brian
Comerford, Timothy	Davenport, Joshua	DiPentima, Rich	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Garrity, James	Hagan, Joseph
Headd, James	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	Manuse, Andrew	McMahon, Charles	Murphy, Brian
Nevins, Chris	Norelli, Terie	O'Connor, John	Okerman, Richard
Oigny, Jeffrey	Packard, Sherman	Quandt, Marshall	Quandt, Matt
Reagan, John	Reichard, Kevin	Ritter, Glenn	Sapareto, Frank
Schlachman, Donna	Serlin, Christopher	Shuler, Wyman III	Smith, William
Sullivan, James	Sytek, John	Tamburello, Daniel	Tasker, Kyle
Ward, Joanne	Waterhouse, Kevin	Webb, James	

STRAFFORD

Andolina, Donald	DeLemus, Susan	Ginsburg, Philip	Grassie, Anne
Groen, Warren	Hooper, Dorothea	Larsen, Kirsten	Leonard, Frederick Jr
Munck, Philip	Newton, Clifford	Panek, William	Parsons, Robbie
Pitre, Joseph	Roberts, Jenna	Schmidt, Peter	Watters, David
Weeden, Michael			

SULLIVAN

Bowers, Spec	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly
and the motion failed.			

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hunt moved that the House reconsider its action whereby, on a roll call vote of 180-171, it adopted the majority committee report of Ought to Pass on **SB 57**, relative to regulation of title loan lenders.

Rep. Hunt spoke against.

Motion failed.

REGULAR CALENDAR (CONT'D)

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D. Pratt for Executive Departments and Administration: For the majority of the last twenty years, the licensed and state-regulated weights and measures service technicians have been able to place state "seals" on the equipment they calibrate and maintain. During the state budget process two years ago this privilege was removed and transferred to state inspectors. This change required two service calls per vendor and added a delay to the process in the interim. In addition, the finance committee added additional registration fees to cover the cost of the four inspectors that were added to the staff. The fee increases were passed on to vendors and through them to customers. Last year, in SB 514, Chapter 358, Laws of 2010, these licensed service technicians were reinstated in part and allowed to place their professional "mark" on devices so they could be used until such time as the state inspectors could place a "seal." For utility purposes, the mark and the seal performed the same function. SB 157 completes the process begun the year earlier and allows the licensed service technicians to calibrate, maintain and "seal" the registered devices (similar to the process used for car inspections). This bill will also return the registration fees to their previous levels since the four recent inspectors' positions have been defunded in the current House-passed budget, thus reducing costs to vendors and customers. This is a plus in our current inflationary economy. The committee amendment requires the department to report annually on complaints, investigations and audits of these devices. Vote 11-3.

Amendment (1478h)

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 4-5, respectively:

3 New Paragraph; Commissioner of Agriculture, Markets and Food; Annual Report. Amend RSA 438:7 by inserting after paragraph VIII the following new paragraph:

IX. The commissioner shall make an annual report on October 1 of each year to the house and senate committees on executive departments and administration and to the house and senate clerks including the number of consumer complaints, the number of inspections, and the number of audits during the prior fiscal year for meters, scales, and other devices.

AMENDED ANALYSIS

This bill:

I. Eliminates the rulemaking authority of the commissioner of the department of agriculture, markets and food to set fees for licensing weighing devices.

II. Allows service technicians to issue state seals.

III. Sets a fee schedule for licensing weighing devices.

IV. Requires the commissioner of the department of agriculture, markets and food to make an annual report to the house and senate regarding consumer complaints, inspections, and audits.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Pratt spoke in favor.

Rep. Peter Schmidt spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 234 NAYS 92

YEAS 234**BELKNAP**

Accornero, Harry
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

McConkey, Mark
Scala, Dino

Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Hawkes, Samuel
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belvin, William
Burt, John
Coffey, James
Doherty, Shaun
Fredette, Robert
Gimas, John
Hansen, Peter
Hinch, Richard
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Balboni, Michael
Bergevin, Jerry
Buxton, Michael
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Scoutsas, Lisa
Souza, Kathleen
Twombly, Timothy
Warden, Mark

Barry, Richard
Boehm, Ralph
Cebrowski, John
Daniels, Gary
Erickson, Duane
Gandia, Laura
Graham, John
Hawkins, Kenneth
Holden, Frank
Lambert, George
McClarner, Donald
Murphy, Keith
Ohm, Bill
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Belanger, James
Brown, Kevin
Christensen, D.L. Chris
DeJong, Cameron
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenkaker, Lynne
Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Winter, Steven

Cox, Sean
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
DeSimone, Debra
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Allen, Mary
Bettencourt, David
Chirichiello, Brian
Dowling, Patricia
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Packard, Sherman
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

Antosz, Jason
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garritty, James
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Azarian, Gary
Brown, Paul
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Itse, Daniel
Lundgren, David
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Leonard, Frederick Jr
Parsons, Robbie

Brown, Julie
Groen, Warren
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Laura
Newton, Clifford

DeLemus, Susan
Larsen, Kirsten
Panek, William

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 92**BELKNAP**

None

CARROLL

Babson, David Jr

CHESHIRE

Butynski, William
Emerson, Susan
Meader, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Johnson, Jane
Roberts, Kris
Weed, Charles

Dwinell, Richard
Lerandeau, Alfred
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Pastor, Beatriz
White, Andrew

Cooney, Mary
Pierce, David

HILLSBOROUGH

Barry, J. Gail
Cote, David
Gorman, Mary
Pilotte, Maurice
Rokas, Ted

Brunelle, Michael
Emerton, Larry
Jeudy, Jean
Porter, Marjorie
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Katsiantonis, Thomas
Ramsey, Peter
Sullivan, Daniel

Condra, William
Goley, Jeffrey
Long, Patrick
Rhodes, Brian
Terrio, Ross

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
Rice, Chip
Williams, Robert

DeStefano, Stephen
MacKay, James
Richardson, Gary

Frazer, June
Owen, Derek
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Powers, James
Serlin, Christopher

Gould, Kenneth
Quandt, Marshall

Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger
Kaen, Naida
Spainhower, Dale
Watters, David

Grassie, Anne
Keans, Sandra
Spang, Judith

Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John Gagnon, Raymond Schmidt, Andrew
and the committee report was adopted.
Referred to the Committee on Ways and Means.

The House recessed at 1:05 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 2:15 p.m.

REGULAR CALENDAR (CONT'D)

SB 91, relative to automatic fire suppression sprinklers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John A. Burt for the Majority of Municipal and County Government: The bill prohibits ordinances, regulations, codes and administrative practices requiring fire sprinklers in one and two family homes. This is a safeguard to personal liberty by preserving an individual's choice whether or not to purchase such a system for their home. The committee heard testimony regarding the considerable expense of the system, accessory components and ongoing maintenance costs associated with these systems, placing a significant financial burden on new home buyers. The recommendation of the committee to pass SB 91 follows the overwhelming and non-partisan support for HB 109 which prevents planning boards from requiring fire sprinklers and HB 1486, Chapter 282, Laws of 2010 removing fire sprinklers from the statewide building code. Passage of this bill is consumer friendly for NH home buyers. Vote 12-5.

Rep. Kris E. Roberts for the Minority of Municipal and County Government: This bill is not just an attempt to limit local control. SB 91 is a attempt to issue a state defined one-size fits all ban on the requirement of fire sprinkler systems for new single and two-family homes regardless of local conditions. What would work in some communities wouldn't and doesn't work in places like Keene where some homes are being built miles away from city water and require in excess of 15 minutes, longer in winter, travel time for fire equipment, nor in communities that don't have paid fire departments. SB 91, as amended, removing the word "enforce" leaves open to interpretation, if SB 91 would require any town or city currently having an ordinance requiring fire sprinkler systems to invalidate that ordinance. The sponsors have stated that this is about individual rights and limiting government control, but the government has the requirement to provide a certain level of public safety to every citizen regardless of the costs. One sponsor stated that some communities are buying larger fire equipment to provide fire protection to homes away from the town center, this at the cost of all other property owners in the community. Additionally, insurance companies develop community insurance overlays based on fire protection services and local fire codes, again affecting everyone's insurance costs. We shouldn't be using the power of the government to require the majority to assume the cost of the moral hazard. The sponsors of SB 91 stated that the high cost of installing sprinkler systems was having a serious negative effect on the construction trades in New Hampshire. Research has shown that the average nation-wide cost of home fire sprinkler systems in new construction is about 1.5%. Even if the NH rate was double the national average and a home fire sprinkler system added \$9,000 to a cost of a new \$300,000 home, most realtors would confirm that the major components in home sales are quality of schools, community safety and property taxes. The property taxes on that same \$300,000 home would be \$3,000 in Moultonborough, \$6,000 in Hollis and \$9,000 in Keene. If someone is willing to pay in excess of \$180,000 in additional property taxes over the life of a thirty year mortgage by living in Keene rather than in Moultonborough, it is highly unlikely the cost of a \$4,500-\$9,000 home sprinkler system plays a factor in that person's home-buying decision. The prime sponsors stated that SB 91 would reduce the cost of work force housing thus increasing the availability. Firstly, there is very little, if any, work force housing built or being built outside the community water service. But most important, the House voted to end the state's mandate concerning work force housing to the local communities. Now we are being asked to strip local communities of local control by passing a state mandate prohibiting them from acting in the best interest and safety of their communities.

Majority Amendment (1415h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Power to Amend State Building Code and Establish Enforcement Procedures.
Amend RSA 674:51 by inserting after paragraph IV the following new paragraph:

V. No municipality or local land use board as defined in RSA 672:7 shall adopt any ordinance, regulation, code, or administrative practice requiring the installation of automatic fire suppression sprinklers in any new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes.

2 Effective Date. This act shall take effect July 1, 2011.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Reps. Kris Roberts and Condra spoke against.

Reps. Burt and Gimas spoke in favor.

Rep. DeStefano spoke against and yielded to questions.

Rep. Sterling spoke in favor and yielded to questions.

Rep. Kris Roberts requested a roll call; sufficiently seconded.

YEAS 223 NAYS 91**YEAS 223****BELKNAP**

Comtois, Guy	Fields, Dennis	Flanders, Donald	Greemore, Robert
Luther, Robert	Malone, Robert	Millham, Alida	Pilliod, James
Russell, David	Simpson, Tyler	Swinford, Elaine	Tilton, Franklin
Tobin, William	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Knox, J. David	McCarthy, Frank
McConkey, Mark	Merrow, Harry	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Umberger, Karen	

CHESHIRE

Byrnes, John	Cartwright, Anne	Emerson, Susan	Hunt, John
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Benn, Bernard	Bradley, Lester	Brosseau, Charles	Bulis, Lyle
Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Mirski, Paul
Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Baroody, Benjamin	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Boehm, Ralph
Brown, Kevin	Burt, John	Campbell, David	Cebrowski, John
Christensen, D.L. Chris	Christiansen, Lars	Coffey, James	Cusson-Cail, Kathleen
Daniels, Gary	Day, Russell	DeJong, Cameron	Doherty, Shaun
Emerton, Larry	Erickson, Duane	Fredette, Robert	Gagne, Larry
Gargas, Carolyn	Gidge, Kenneth	Gimas, John	Gonzalez, Carlos
Graham, John	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Hutchinson, Winfred	Krasucki, Joseph	Kurk, Neal
Lambert, George	LeBrun, Donald	Maltz, Jonathan	McCarthy, Michael

McClarren, Donald
Ober, Lynne
Palmer, Stephen
Renzullo, Andrew
Silva, Peter
Twombly, Timothy
Warden, Mark

McGuinness, Sean
Ober, Russell III
Parison, James
Rowe, Robert
Simmons, Tammy
Ulery, Jordan
Whitehead, Randall

Murphy, Keith
Ohm, Bill
Peterson, Lenette
Scotsas, Lisa
Soucy, Connie
Vaillancourt, Steve
Willette, Robert

Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Gile, Mary
Hoell, J.R.
Lockwood, Priscilla
Palfrey, David
Smith, Todd

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Sanborn, Laurie
Williams, Robert

Cohn, Seth
Hamm, Christine
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

Cox, Sean
Hess, David
Lindsley, Mark
McGuire, Dan
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Smith, William
Tasker, Kyle
Webb, James

Allen, Mary
Bates, David
Case, Frank
Dowling, Patricia
Fesh, Robert
Headd, James
Katsakiores, Phyllis
McMahon, Charles
Oigny, Jeffrey
Reagan, John
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Sheffert, Kenneth
Sytek, John
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Itse, Daniel
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Newton, Clifford
Vita, Carol

Brown, Julie
Groen, Warren
Parsons, Robbie
Vita, Lucien

Cataldo, Sam
Jones, Laura
Pitre, Joseph
Watters, David

DeLemus, Susan
Larsen, Kirsten
Sprague, Dale

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Smith, Steven

LaCasse, Paul Sr

NAYS 91

BELKNAP

Accornero, Harry

Kingsbury, Robert

CARROLL

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lerandeau, Alfred
Sad, Tara

Dwinell, Richard
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Pastor, Beatriz
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

Gould, Franklin
Reilly, Harold Sr

HILLSBOROUGH

Brunelle, Michael
Donovan, Daniel
Goley, Jeffrey
Pepino, Leo
Robbins, David
Sullivan, Daniel

Buxton, Michael
Drisko, Richard
Gorman, Mary
Pilotte, Maurice
Rokas, Ted

Condra, William
Flanagan, Jack
Judy, Jean
Porter, Marjorie
Shaw, Barbara

Cote, David
Garritty, Patrick
Long, Patrick
Rhodes, Brian
Stroud, Kathleen

MERRIMACK

Bouchard, Candace
Lauer-Rago, Kathleen
Richardson, Jon

Deloge, Helen
Owen, Derek
Shurtleff, Stephen

DeStefano, Stephen
Potter, Frances
Wallner, Mary Jane

Frazer, June
Rice, Chip

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Read, Robin Jr

Chirichiello, Brian
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
O'Connor, John
Waddell, James

Gould, Kenneth
Powers, James

STRAFFORD

Berube, Roger
Kaen, Naida
Spainhower, Dale

Grassie, Anne
Keans, Sandra
Spang, Judith

Hooper, Dorothea
Munck, Philip
Wall, Janet

Horrigan, Timothy
Schmidt, Peter

SULLIVAN

Cloutier, John

Gagnon, Raymond

Rodeschin, Beverly

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

SB 78-FN-A-L, relative to motor vehicle registration fees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Karen C. Umberger for the Majority of Finance: This bill, in its original form, would have accelerated the sunset of the surcharge on motor vehicles of \$30 or more each year. While the Governor wanted to keep this unpopular surcharge, the proposed House budget eliminated it. As the bill is currently constructed, the only NH citizens to benefit are those with birthdays in May and June. The amendment provides an avenue to spread this benefit to all residents by proposing a 5 cent per gallon gas tax holiday from its effective date until 30 June 2011. The New Hampshire House is sensitive to the ever growing cost of gas and its burden on our citizens as well its drag on our economy. In addition to providing relief to the drivers of New Hampshire, this amendment will allow the state to attract out-of-state residents who will also likely purchase other goods like cigarettes, lottery tickets and liquor. The committee heard from a gas station owner who testified that in the competitive environment of that industry, stations will need to reduce their prices accordingly or lose volume to those other stations that do make the reduction. The effect on the highway fund is below the current operating surplus so no cuts in the 2011 highway budget are necessary. Ultimately this bill will make New Hampshire more competitive while helping our residents who are now struggling with the soaring price of gasoline. Vote 20-6.

Rep. Robert A. Foose for the Minority of Finance: The minority believes that there has been extensive evidence from the work of the Public Works Committee over multiple biennia that the Highway Fund cannot survive within a revenue structure that does not contain an appropriate substitute for the registration surcharge. When the last Legislature completed its budget for this biennium it was with the understanding that the sunset of the surcharge would be coupled with action taken to replace the funds. Further, the minority believes that the logic that the 5-cent temporary tax reduction would be seen by the consumer is purely speculative.

Majority Amendment (1519h)

Amend the title of the bill by replacing it with the following:

AN ACT reducing the rate of the road toll.

Amend the bill by replacing all after the enacting clause with the following:

1 Road Toll; Rate Reduced. For the period beginning on the effective date of this section and ending June 30, 2011, the road toll imposed pursuant to RSA 260:32 shall be \$.13 per gallon.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill reduces the rate of the road toll from \$.18 per gallon to \$.13 per gallon through June 30, 2011.

Rep. Campbell spoke against and yielded to questions.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 201 NAYS 108**YEAS 201****BELKNAP**

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Pilliod, James	Russell, David	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Tobin, William	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Knox, J. David	McCarthy, Frank	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hunt, John
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbreton, Paul	Mirski, Paul	Reilly, Harold Sr
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Burt, John
Buxton, Michael	Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars
Condra, William	Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Emerton, Larry	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Gagne, Larry	Gonzalez, Carlos	Graham, John	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Holden, Frank	Hutchinson, Winfred
Krasucki, Joseph	Lambert, George	Maltz, Jonathan	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pepino, Leo	Peterson, Lenette
Renzullo, Andrew	Robbins, David	Rowe, Robert	Silva, Peter

Simmons, Tammy
Ulery, Jordan
Willette, Robert

Soucy, Connie
Vaillancourt, Steve

Souza, Kathleen
Villeneuve, Moe

Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

Coffey, Jennifer
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Smith, Todd

Cohn, Seth
Kotowski, Frank
McDonnell, John
Sanborn, Laurie

Cox, Sean
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Dowling, Patricia
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Murphy, Brian
Quandt, Marshall
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Ward, Joanne
Weyler, Kenneth

Allen, Mary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Manuse, Andrew
Nevins, Chris
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Antosz, Jason
Birdsell, Regina
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Itse, Daniel
Mauro, Donna
O'Connor, John
Reagan, John
Sanders, Elisabeth
Smith, William
Tasker, Kyle
Webb, James

Azarian, Gary
Brown, Paul
DeSimone, Debra
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
McMahon, Charles
Okerman, Richard
Reichard, Kevin
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

STRAFFORD

Andolina, Donald
Larsen, Kirsten
Vita, Carol

Cataldo, Sam
Newton, Clifford
Vita, Lucien

DeLemus, Susan
Parsons, Robbie

Jones, Laura
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

LaCasse, Paul Sr

NAYS 108

BELKNAP

Millham, Alida

CARROLL

Babson, David Jr

McConkey, Mark

Morrow, Harry

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lerandeau, Alfred
Sad, Tara

Emerson, Susan
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Richardson, Herbert

GRAFTON

Aguiar, James
Gould, Franklin
Shackett, Jeffrey

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Pastor, Beatriz
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Coffey, James
Gidge, Kenneth
Judy, Jean
Pilotte, Maurice
Scotsas, Lisa
Sullivan, Daniel

Brown, Kevin
Cote, David
Gimas, John
Kurk, Neal
Porter, Marjorie
Seidel, Carl

Brunelle, Michael
Gargasz, Carolyn
Goley, Jeffrey
LeBrun, Donald
Rhodes, Brian
Shaw, Barbara

Campbell, David
Garritty, Patrick
Gorman, Mary
Long, Patrick
Rokas, Ted
Stroud, Kathleen

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
Rice, Chip
Williams, Robert

DeStefano, Stephen
Lockwood, Priscilla
Richardson, Jon
Winter, Steven

Frazer, June
Owen, Derek
Shurtleff, Stephen

ROCKINGHAM

Bates, David
McKinney, Betsy
Powers, James

Cali-Pitts, Jacqueline
Moody, Marcia
Read, Robin Jr

DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Gould, Kenneth
Packard, Sherman
Waddell, James

STRAFFORD

Berube, Roger
Groen, Warren
Keans, Sandra
Spang, Judith

Brown, Julie
Hooper, Dorothea
Munck, Philip
Sprague, Dale

Domingo, Baldwin
Horriggan, Timothy
Schmidt, Peter
Wall, Janet

Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Osgood, Joe

Schmidt, Andrew

and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Reps. Chase and Kris Roberts spoke against.

Rep. Umberger spoke in favor and yielded to questions.

Rep. Bettencourt spoke in favor and requested a roll call; sufficiently seconded.

YEAS 208 NAYS 98**YEAS 208****BELKNAP**

Accomero, Harry
Greemore, Robert
Pilliod, James
Tobin, William

Comtois, Guy
Kingsbury, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Luther, Robert
Swinford, Elaine

Flanders, Donald
Malone, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Merrow, Harry
Tregenza, Norman

Knox, J. David
Pettengill, Laurie
Umberger, Karen

McCarthy, Frank
Scala, Dino

McConkey, Mark
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John

Cartwright, Anne
Johnson, Jane

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Simard, Paul

Brosseau, Charles
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Buxton, Michael
Coffey, James
Day, Russell
Drisko, Richard
Fredette, Robert
Gonzalez, Carlos
Hawkins, Kenneth
Holden, Frank
Maltz, Jonathan
Murphy, Keith
Ohm, Bill
Pepino, Leo
Rowe, Robert
Souza, Kathleen
Vaillancourt, Steve

Balboni, Michael
Belvin, William
Cebrowski, John
Condra, William
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Haefner, Robert
Hikel, John
Hutchinson, Winfred
McCarthy, Michael
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Silva, Peter
Stroud, Kathleen
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gidge, Kenneth
Hansen, Peter
Hinch, Richard
Krasucki, Joseph
McClarren, Donald
Ober, Lynne
Palmer, Stephen
Renzullo, Andrew
Simmons, Tammy
Twombly, Timothy
Whitehead, Randall

Barry, Richard
Burt, John
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Flanagan, Jack
Gimas, John
Hardwick, Harry
Hogan, Edith
Lambert, George
McGuinness, Sean
Ober, Russell III
Parison, James
Robbins, David
Soucy, Connie
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Sanborn, Laurie

Coffey, Jennifer
Hess, David
Kreiss, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

Cox, Sean
Keane, Thomas
Lindsley, Mark
Palfrey, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Allen, Mary
Bettencourt, David
Comerford, Timothy
Elliott, Robert
Griffin, Mary
Itse, Daniel
Mauro, Donna
Nevens, Chris
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Birdsell, Regina
Davenport, Joshua
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
McKinney, Betsy
O'Connor, John
Reagan, John
Sanders, Elisabeth
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Azarian, Gary
Brown, Paul
DeSimone, Debra
Fesh, Robert
Headd, James
Katsakiores, Phyllis
McMahon, Charles
Okerman, Richard
Reichard, Kevin
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
Larsen, Kirsten
Vita, Carol

Cataldo, Sam
Newton, Clifford
Vita, Lucien

DeLemus, Susan
Parsons, Robbie

Jones, Laura
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 98**BELKNAP**

Millham, Alida

CARROLL

Babson, David Jr

CHESHIREButynski, William
Johnsen, Gladys
Roberts, Kris
Weed, CharlesCarr, Daniel
Lerandeau, Alfred
Sad, TaraChase, Cynthia
Meader, David
Tatro, BruceHawkes, Samuel
Parkhurst, Henry
Weber, Lucy**COOS**Coulombe, Gary
Theberge, RobertHatch, William
Thomas, Yvonne

Merrick, Evalyn

Richardson, Herbert

GRAFTONAguiar, James
Gould, Franklin
Shackett, JeffreyAlmy, Susan
Harding, Laurie
Smith, SuzanneBenn, Bernard
Pastor, Beatriz
Townsend, CharlesCooney, Mary
Pierce, David
White, Andrew**HILLSBOROUGH**Baroody, Benjamin
Cote, David
Gorman, Mary
LeBrun, Donald
Rhodes, Brian
Shaw, BarbaraBrown, Kevin
Gargas, Carolyn
Graham, John
Long, Patrick
Rokas, Ted
Sullivan, DanielBrunelle, Michael
Garrity, Patrick
Judy, Jean
Pilotte, Maurice
Scotsas, LisaCampbell, David
Goley, Jeffrey
Kurk, Neal
Porter, Marjorie
Seidel, Carl**MERRIMACK**Bouchard, Candace
Gile, Mary
Potter, Frances
Wallner, Mary JaneDeloge, Helen
Hamm, Christine
Rice, Chip
Williams, RobertDeStefano, Stephen
Lockwood, Priscilla
Richardson, Jon
Winter, StevenFrazer, June
Owen, Derek
Shurtleff, Stephen**ROCKINGHAM**Bates, David
Gould, Kenneth
Read, Robin JrCali-Pitts, Jacqueline
Moody, Marcia
Schlachman, DonnaDiPentima, Rich
Norelli, TerieDowling, Patricia
Powers, James**STRAFFORD**Berube, Roger
Groen, Warren
Munck, Philip
Sprague, DaleBrown, Julie
Horrigan, Timothy
Schmidt, Peter
Wall, JanetDomingo, Baldwin
Kaen, Naida
Spainhower, Dale
Watters, DavidGrassie, Anne
Keans, Sandra
Spang, Judith**SULLIVAN**

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

SB 147-FN, relative to Medicaid managed care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means: Currently, the Medicaid program is structured predominantly as a fee-for-service program. It has been determined that this is a costly model to the state. This bill calls for the state to move to a less costly managed care model. In addition, this bill requires the commissioner of the department of health and human services to issue a 5-year request for proposal to enter into contracts with vendors who can support a managed care model. The committee unanimously endorsed the concept of moving our Medicaid program to a managed care model. Vote 20-0.

Amendment (1564h)

Amend RSA 126-A:5, XIX(a) as inserted by section 1 of the bill by replacing it with the following:

XIX.(a) The commissioner shall employ a managed care model for administering the Medicaid program and its enrollees to provide for managed care services for all Medicaid populations

throughout New Hampshire consistent with the provisions of 42 U.S.C. 1396r-2. Models for managed care may include, but not be limited to, a traditional capitated managed care organization contract, an administrative services organization, an accountable care organization, or a primary care case management model, or a combination thereof, offering the best value, quality assurance, and efficiency, maximizing the potential for savings, and presenting the most innovative approach compared to other externally administered models. The department shall present the opportunities of the various models or combination of models with a recommendation for the best managed care model for New Hampshire, no later than July 15, 2011, to the fiscal committee of the general court which shall consult with the oversight committee on health and human services. Services to be managed within the model shall include all mandatory Medicaid covered services and may include, but shall not be limited to, care coordination, utilization management, disease management, pharmacy benefit management, provider network management, quality management, and customer services. The commissioner shall issue a 5-year request for proposals to enter into contracts with the vendors that demonstrate the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The request for proposals shall be released no later than October 15, 2011. The vendors of the managed care model or combination of models demonstrating the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings shall be selected no later than January 15, 2012 with final contracts submitted to the governor and council no later than March 15, 2012 unless this date is extended by the fiscal committee. After the bidding process, the commissioner shall establish a capitated rate based on the bids by the appropriate model for the contract that is full risk to the vendors. The capitated rate shall be broken down into rate cells for each population including, but not limited to, the persons eligible for temporary assistance to needy families (TANF), aid for the permanently and totally disabled (APTD), breast and cervical cancer program (BCCP), home care for children with severe disabilities (HC-CSD), and those residing in nursing facilities. The capitated rate shall be approved by the fiscal committee of the general court. The managed care model or models' selected vendors providing the Medicaid services shall establish medical homes and all Medicaid recipients shall receive their care through a medical home. In contracting for a managed care model and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the current level of quality of care provided. The target date for implementation of the contract is July 1, 2012. The commissioner may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the provisions of this paragraph. The department shall seek, with the approval of the fiscal committee, all necessary and appropriate waivers to implement the provisions of this paragraph.

Amend RSA 126-A:5, XIX(c)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) A "managed care organization" means an entity that is authorized by law to provide covered health services on a capitated risk basis and arranges for the provision of medical assistance services and supplies and coordinates the care of Medicaid recipients residing in all areas of the state, including the elderly, those meeting federal supplemental security income and state standards for disability, and those who are also currently enrolled in Medicare.

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to issue a 5-year request for proposals to enter into contracts with vendors of a managed care model to provide for managed care services to the Medicaid population. The commissioner, in consultation with the fiscal committee of the general court, is granted rulemaking authority for the purposes of this bill. Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Hess offered floor amendment (1610h).

Floor Amendment (1610h)

Amend RSA 126-A:5, XIX(a) as inserted by section 1 of the bill by replacing it with the following:

XIX.(a) The commissioner shall employ a managed care model for administering the Medicaid program and its enrollees to provide for managed care services for all Medicaid populations throughout New Hampshire consistent with the provisions of 42 U.S.C. 1396r-2. Models for managed care may include, but not be limited to, a traditional capitated managed care organization contract, an administrative services organization, an accountable care organization, or a primary

care case management model, or a combination thereof, offering the best value, quality assurance, and efficiency, maximizing the potential for savings, and presenting the most innovative approach compared to other externally administered models. The department shall present the opportunities of the various models or combination of models with a recommendation for the best managed care model for New Hampshire, no later than July 15, 2011, to the fiscal committee of the general court which shall consult with the oversight committee on health and human services. Services to be managed within the model shall include all mandatory Medicaid covered services and may include, but shall not be limited to, care coordination, utilization management, disease management, pharmacy benefit management, provider network management, quality management, and customer services. The model shall not include mandatory dental services. The commissioner shall issue a 5-year request for proposals to enter into contracts with the vendors that demonstrate the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The request for proposals shall be released no later than October 15, 2011. The vendors of the managed care model or combination of models demonstrating the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings shall be selected no later than January 15, 2012 with final contracts submitted to the governor and council no later than March 15, 2012 unless this date is extended by the fiscal committee. After the bidding process, the commissioner shall establish a capitated rate based on the bids by the appropriate model for the contract that is full risk to the vendors. The capitated rate shall be broken down into rate cells for each population including, but not limited to, the persons eligible for temporary assistance to needy families (TANF), aid for the permanently and totally disabled (APTD), breast and cervical cancer program (BCCP), home care for children with severe disabilities (HC-CSD), and those residing in nursing facilities. The capitated rate shall be approved by the fiscal committee of the general court. The managed care model or models' selected vendors providing the Medicaid services shall establish medical homes and all Medicaid recipients shall receive their care through a medical home. In contracting for a managed care model and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the current level of quality of care provided. The target date for implementation of the contract is July 1, 2012. The commissioner may, in consultation with the fiscal committee, adopt rules, if necessary, to implement the provisions of this paragraph. The department shall seek, with the approval of the fiscal committee, all necessary and appropriate waivers to implement the provisions of this paragraph.

Reps. Hess, Kurk and Almy spoke in favor.

Floor amendment (1610h) adopted.

Committee report adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hess moved that the House reconsider its action whereby, on a voice vote, it adopted the committee report of Ought to Pass with Amendment on **SB 147-FN**, relative to Medicaid managed care.

Rep. Hess spoke against.

Motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hess moved that the House reconsider its action whereby, on a roll call vote of 208-98, it adopted the majority committee report of Ought to Pass with Amendment on **SB 78-FN-A-L**, relative to motor vehicle registration fees.

Rep. Hess spoke against.

Motion failed.

BILLS REMOVED FROM THE CONSENT CALENDAR

SB 152-FN, relative to participation in state employees' group insurance by members of the general court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill adds a new paragraph to RSA 14-A:6 stipulating that members of the general court who participate in the state employees' insurance but who fail to pay within 30 days of billing shall have their coverage terminated. Current members could re-enroll upon payment of outstanding bills. Former members who allow

their payment to lapse would have their coverage permanently terminated. The amendment provides for proper notification to the member that coverage would be terminated within 10 business days unless payment is sent. The amendment also requires that an automatic payment option be available to minimize the likelihood of inadvertent termination of coverage. Vote 14-0.

Amendment (1483h)

Amend RSA 14-A:6, V as inserted by section 1 of the bill by replacing it with the following:

V. If a participant pursuant to paragraph II of this section fails to remit payment in full for participation within 30 days of billing, on the 30th day the participant shall be notified by certified or registered mail that he or she shall remit payment to the department within 10 business days of receiving the letter or his or her benefits shall be permanently terminated effective upon the 10th business day after receipt of the letter.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Department of Administrative Services; Automatic Payment Option. The department of administrative services shall implement a system of payment for participants in the group insurance plan under RSA 14-A:6 that allows for a participant to opt for automatic payment to the department from the participant's bank account.

AMENDED ANALYSIS

This bill allows the department of administrative services to invoice and collect payment for participation in the group insurance plan by members of the general court.

This bill also requires the department of administrative services to offer a form of automatic payment for participation in the group insurance plan.

Rep. Carol McGuire moved Recommit, spoke in favor and yielded to questions.

Motion adopted.

Recommitted to the Committee on Executive Departments and Administration.

SB 173, proclaiming January 24, 2012 as Granny D. Day. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: The committee is unanimous in support of having the governor issue a proclamation on January 24, 2012 honoring Granny D for her walk at age 90 across America. Vote 15-0.

Rep. Horrigan requested a roll call; sufficiently seconded.

YEAS 240 NAYS 48

YEAS 240

BELKNAP

Accornero, Harry
Luther, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Millham, Alida
Tilton, Franklin

Greemore, Robert
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
Merrow, Harry
Tregenza, Norman

Babson, David Jr
Pettengill, Laurie
Umberger, Karen

Knox, J. David
Scala, Dino

McConkey, Mark
Schmidt, Stephen

CHESHIRE

Butynski, William
Hawkes, Samuel
Moore, Robert Jr
Smith, Edwin

Byrnes, John
Hunt, John
Parkhurst, Henry
Weber, Lucy

Cartwright, Anne
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Dwinell, Richard
Johnson, Jane
Sad, Tara

COOS

Coulombe, Gary
Rappaport, Laurence
Tholl, John Jr

Daugherty, Duffy
Remick, William
Thomas, Yvonne

Hatch, William
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Brosseau, Charles
Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

Almy, Susan
Bulis, Lyle
Harding, Laurie
Pierce, David
Sova, Charles

Benn, Bernard
Cooney, Mary
Ingbretson, Paul
Reilly, Harold Sr
Townsend, Charles

Bradley, Lester
Eaton, Stephanie
Mirski, Paul
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Brown, Kevin
Campbell, David
Coffey, James
Daniels, Gary
Drisko, Richard
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Hikel, John
Kurk, Neal
McCarthy, Michael
Ober, Lynne
Pilotte, Maurice
Rokas, Ted
Simmons, Tammy
Twombly, Timothy

Barry, Richard
Brunelle, Michael
Cebrowski, John
Condra, William
Day, Russell
Emerton, Larry
Gargas, Carolyn
Gonzalez, Carlos
Hansen, Peter
Holden, Frank
Lambert, George
McClarren, Donald
Ohm, Bill
Porter, Marjorie
Rowe, Robert
Souza, Kathleen
Vaillancourt, Steve

Belanger, James
Burt, John
Christensen, D.L. Chris
Cote, David
Doherty, Shaun
Erickson, Duane
Gidge, Kenneth
Gorman, Mary
Hardwick, Harry
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Palmer, Barry
Rhodes, Brian
Scoutsas, Lisa
Stroud, Kathleen
Whitehead, Randall

Belvin, William
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Flanagan, Jack
Gimas, John
Graham, John
Hawkins, Kenneth
Judy, Jean
Maltz, Jonathan
Murphy, Keith
Peterson, Lenette
Robbins, David
Seidel, Carl
Sullivan, Daniel

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Lauer-Rago, Kathleen
McGuire, Carol
Rice, Chip
Smith, Molly

Bouchard, Candace
Frazer, June
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Wallner, Mary Jane

Coffey, Jennifer
Hamm, Christine
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian
Williams, Robert

Cohn, Seth
Hess, David
McDonnell, John
Potter, Frances
Shurtleff, Stephen
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Kappler, Lawrence
McKinney, Betsy
Norelli, Terie
Quandt, Matt
Schlachman, Donna
Sytek, John
Webb, James

Allen, Mary
Bettencourt, David
Case, Frank
DiPentima, Rich
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Moody, Marcia
O'Connor, John
Reagan, John
Sedensky, John
Tamburello, Daniel
Welch, David

Antosz, Jason
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garrity, James
Hoelzel, Kathleen
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Sheffert, Kenneth
Ward, Joanne

Azarian, Gary
Brown, Paul
Davenport, Joshua
Duarte, Joe
Gould, Kenneth
Itse, Daniel
Mauro, Donna
Nevins, Chris
Powers, James
Sanders, Elisabeth
Sullivan, James
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
DeLemus, Susan
Jones, Laura
Munck, Philip
Schmidt, Peter
Wall, Janet

Berube, Roger
Domingo, Baldwin
Kaen, Naida
Newton, Clifford
Spainhower, Dale
Watters, David

Brown, Julie
Grassie, Anne
Keans, Sandra
Parsons, Robbie
Spang, Judith

Cataldo, Sam
Horrigian, Timothy
Larsen, Kirsten
Pitre, Joseph
Sprague, Dale

SULLIVAN

Bowers, Spec
Osgood, Joe

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

Laware, Thomas
Smith, Steven

NAYS 48**BELKNAP**

Comtois, Guy

Kingsbury, Robert

CARROLL

McCarthy, Frank

CHESHIRE

None

COOS

None

GRAFTON

Gionet, Edmond

Simard, Paul

Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Fredette, Robert
Ober, Russell III
Soucy, Connie

Balboni, Michael
Hogan, Edith
Palmer, Stephen
Ulery, Jordan

Boehm, Ralph
Krasucki, Joseph
Parison, James
Villeneuve, Moe

DeJong, Cameron
Notter, Jeanine
Renzullo, Andrew
Willette, Robert

MERRIMACK

Cox, Sean
Keane, Thomas

Deloge, Helen
Kotowski, Frank

Giuda, J. Brandon
Kreis, Kenneth Sr

Hoell, J.R.
Richardson, Jon

ROCKINGHAM

Bates, David
Quandt, Marshall
Smith, William

Elliott, Robert
Rice, Frederick
Tasker, Kyle

Hagan, Joseph
Ritter, Glenn
Tremblay, Stella

Okerman, Richard
Shuler, Wyman III
Weyler, Kenneth

STRAFFORD

Groen, Warren

Vita, Carol

Vita, Lucien

SULLIVAN

Cunningham, Steven

Howard, Thomas

LaCasse, Paul Sr

and the committee report was adopted and ordered to third reading.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 27, 46, 63, 69, 79, 80, 88, 95, 106, 111, 112, 170, 172, 185, 206, 229, 289, 333, 336, 364, 404, 491, 535, 570, House Joint Resolution numbered 3 and Senate Bills numbered 16, 26 and 35.

Rep. Kidder, Sen. Prescott for the Committee

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 4, 2011 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

SB 62, relative to persons participating in the return to work program.

SB 92, establishing an economic strategic commission to review the relationship between business and government.

SB 104, relative to certain agricultural operations and certain bonds for excavation and driveways.

SB 42, relative to the declaration of consideration for purposes of the real estate transfer tax.

SB 57, relative to regulation of title loan lenders.

SB 156-FN-L, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

SB 91, relative to automatic fire suppression sprinklers.

SB 78-FN-A-L, relative to motor vehicle registration fees.

SB 147-FN, relative to Medicaid managed care.

SB 173, proclaiming January 24, 2012 as Granny D. Day.

UNANIMOUS CONSENT

Reps. Jennifer Coffey, Baldasaro and Norelli addressed the House.

MOTION TO PRINT REMARKS

Rep. Bettencourt moved that the remarks made by Rep. Jennifer Coffey be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Jennifer Coffey: Thank you, Mister Speaker and thank you to my colleagues for this moment. The Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945. Six million Jews were murdered; Roma (Gypsies), people with disabilities, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons; and millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents, also suffered grievous oppression and death under Nazi tyranny. The history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and we the people of the State of New Hampshire should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and we the people of the State of New Hampshire should actively rededicate ourselves to the principles of individual freedom in a just society. The Days of Remembrance have been set aside for the people of the State of New Hampshire to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and pursuant to an Act of Congress, October 7, 1980, the United States Holocaust Memorial Council designates the Days of Remembrance of the victims of the Holocaust to be Sunday, May 1 through Sunday, May 8, 2011, including the Day of Remembrance known as Yom Hashoah, May 1, 2011. I ask for a moment of silence to remember all of those who perished in the Holocaust.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of those who perished in the Holocaust.

MOTION TO PRINT REMARKS

Rep. DiPentima moved that the remarks made by Rep. Baldasaro be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Baldasaro: Thank you, Mister Speaker. Mister Speaker, I would like to take this opportunity to talk about a young lieutenant from my town of Londonderry that we lost, Pete Sohm, whom I really didn't know much at all and so I didn't have a clue of what to say. All I knew of Pete was that in the many parades that I march, it was his music on the trumpet playing Taps. So I really thought about this and on such short notice, we have a writer in our town called Joe who writes a column called *Joe's Two Cents* and he actually knew Lieutenant Sohm. I asked him last night and he sent me over his story that he wrote about the Lieutenant and I thought I would share it with all.

Joe's Two Cents by Joe Paradis of Londonderry

It was a tradition in this high school band every Memorial Day. They'd march through the center of our quaint little town. All three hundred of them. Playing patriotic songs on their way to the town cemetery. Once there, three of the trumpeters would silently peel off and station themselves at different locations throughout the cemetery. One close to the gravesite where flowers were laid, one farther away at the edge of the woods, and the third a bit farther away over the hill. And when the time was right, and the speeches completed, they would play taps – one at a time, starting with the closest trumpeter – as a salute to America's fallen. As I recall during my time as a "Band Parent," Pete would start, the echo of his strong notes drifting over the warm breeze and into the hearts of those in attendance. Robert would echo those notes at the edge of the woods. And Fran would follow up from the farthest point. At the end of that two minutes, the crowd would solemnly disburse, each of us with either a lump in the throat or a tear in the eye from that magical mixture of five simple notes, played so eloquently by three high school students. Robert and Fran would tell you that Pete's was definitely the loudest trumpet. The purest sound. The strongest talent. They believed Pete was so good, that often as they were marching the many miles they covered each year with Londonderry's Marching Lancers, they wouldn't play at all. They called it a "short rest." That concept caught on with a lot of the other kids on the trumpet line. They all knew Pete's instrument was so strong, even on his own, that they could fake it for a few minutes. Pete didn't seem to mind. He was proud of that talent. And just like his talent, his shiny silver trumpet stood out among everyone else's brass instruments. I learned later that Pete had other talents. He'd been flying small airplanes for a number of years – he was all of seventeen when I learned that. He was goal-driven and seemed to know what he wanted to do with his life. He was a friendly kid, with a smile that didn't quit. All that talent landed him at the United States Air Force Academy, with a four-year college scholarship. On a journey that would earn him his gold bars and a commission as a 2nd Lieutenant in the U.S. Air Force, after four grueling years of study and hard work. To Pete, this seemed to be a fun journey. I met up with his mother one day during his first year. She told me how Pete had learned to be "innovative" in school – how he would cop a piece of tin foil from somewhere and use it to make toast over a candle in his room. A little snack that was apparently not allowed in the strict dorm room environment of one of America's toughest educational facilities. Where toast could probably get you expelled. But Pete had fun with it – and obviously never got caught. I last met Pete and his winning smile at the Manchester airport two years ago. He was between school years – summer break to us – and touring the country with an Air Force team, performing at air shows. He told me of the acrobatics he and his team would perform in small propeller-driven airplanes. Of the precision and reflexes it took to complete these aerial maneuvers – and above all, how much fun it was. We talked about the Air Force – just little things. I marveled that he was allowed to wear fatigues in an airport – when I served, it was frowned upon to wear them anywhere in public while off duty. Besides, the public was just learning not to spit on its military in those days – but that's another story. From Pete's perspective, my experience was strange. I was happy that he was where he was at that point in time, when America appreciated those who were serving. We talked about toast, of course. And of other little antics he did to keep some sanity in his life at the Academy. But above all, we talked flying – and I learned right there why Pete's talent with the trumpet would so easily transfer to this latest challenge he had presented himself. But it was soon time for his flight, so we shook hands and I hugged this kid who made me so proud. I can only imagine his parents' pride. Then he walked down the ramp to his plane. I never saw Pete again. Last week, I heard about a small airplane crash near San Angelo, Texas. Two young off duty Air Force 2nd lieutenants, who, as the news told it, were taking their aircraft up to view the wildfires that had spread across Texas. There was one story of an eyewitness who saw a small single engine plane doing aerial maneuvers over the area where

the plane went down. Regardless of the stories, I learned that one of those young men was Pete. No one can know the whole story of what happened over Texas that day. Experts will sift through that. All I know is that the Air Force lost two outstanding young pilots, one of them, a true high school friend of my own son. And I cannot even imagine the agony that is piercing the very souls of his mother, his father, and his sisters as they sort through this personal tragedy. But I do firmly believe that Heaven will benefit from Pete's presence, where the sweet melodic notes of Pete's silver trumpet can only enhance the trumpet section of the angels. Sailing through the sky, high above the clouds. In a place where Pete has always wanted to be. Thanks for sharing your life with us, Lieutenant. May your courage bring strength to the rest of us, who will miss your winning smile.

Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of 2nd Lieutenant Peter Sohm of Londonderry.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference.

Adopted.

The House recessed at 4:10 p.m.

RECESS

(Rep. Rowe in the Chair)

ENROLLED BILL AMENDMENTS

HB 142-FN, relative to sales of artificial flowers and miniature flags.

Amendment (1469-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 Repeal. The subdivision heading preceding RSA 320:17 and RSA 320:17 through 320:19, relative to
Adopted.

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department.

Amendment (1480-EBA)

Amend RSA 211:18, III(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Any individual who possessed a valid limited commercial lobster and crab license prior to
Adopted.

SENATE MESSAGES

CONCURRENCE

HB 56, relative to proper observance of September 11, 2001.

HB 198, relative to the investment options for county funds.

HB 251, relative to absentee ballots.

HB 274-FN, relative to voting procedures.

HB 277-FN, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund.

HB 331-FN, relative to posting agency expenditures on the state transparency website.

HB 426, adding certain entities to the unused prescription drug program.

HB 503, allowing a master electrician to have 2 apprentice electricians under his or her supervision.

NONCONCURRENCE

HB 572-FN, relative to official oppression.

RE-REFERRED TO COMMITTEE

HB 405, relative to dissolving corporations.

LAI D ON THE TABLE

HB 156-FN-A, reducing the rates of the tobacco tax.

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

RECESS

(Speaker O'Brien in the Chair)

Rep. Stepanek moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 17

Wednesday, May 4, 2011

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Almighty God, as always we lift up our personal cares and ask that You help us prevail over the dilemmas of our lives. We remember the House members and their families who are ill and need healing. Give us the courage to take the day's responsibilities of our office to heart and exercise common sense and respectability in our high calling. Today we are especially thankful and reassured that life is meaningful under this flag because of great courage shown by our men and women in uniform. Only when we are not indifferent to evil and suffering, and are called to endure some of its hardships and to pursue the good that brings joy in seeing justice done do we clearly see Your blessings and Your vision of life restored. And so we ask for Your special blessings on them, especially those from the State of New Hampshire. If they are alert to Your presence, Lord, then keep us alert also to the value of life. We all seek peace in the portion of life given to us and when the responsibilities to secure peace are shouldered by the armed services, our measure of fear is lifted and turned into confidence and hope. Give us courage, then, to protect the innocent and foster the blessed humanity of each civilian we serve. Keep us always focused on the ultimate good. We ask this in Your name. Amen.

Representative Daniel Tamburello, member from Londonderry, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Charron, Eaton, Hofemann and Robert Moore, the day, illness.

Reps. Beattie, Campbell, Coughlin, Hamm, Katsiantonis, Leonard, Marcus, Mauro, Mirski, Packard, Panek, Sapienza, Stephen Schmidt and Suzanne Smith, the day, important business.

INTRODUCTION OF GUESTS

Nancy and Jerry Desmarais, parents of Rep. Sanborn. Donald McGuinness, father of Rep. McGuinness. Windham Selectman Bruce Breton, guest of Rep. Ronald Belanger. Santa Garcia, Matteo and Tina Gravina, mother and guests of Rep. Garcia.

INTRODUCTION OF SPECIAL GUESTS

The Winnacunnet Girls Basketball Team, 2011 Division I State Champions accompanied by Head Coach Ed Beattie.

WITHOUT OBJECTION

Without objection, the Speaker ordered that Senate Messages be taken up after the Consent Calendar.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies, removed by Rep. Pilotte.

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek, removed by Rep. Bowers.

SB 75-FN, relative to clarification of part-time service in the state retirement system, removed by Rep. Bergevin.

Consent Calendar adopted.

SB 50, making various changes to laws regulating trusts and trust companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David J. Palfrey for Commerce and Consumer Affairs: This bill continues the long-standing legislative initiative to establish New Hampshire as a leading jurisdiction in the national market for

financial, trust and fiduciary services and to attract the good, clean financial service jobs of that marketplace to New Hampshire. SB 50 makes changes to the statutes governing wills and trusts that will continue to maintain New Hampshire's competitiveness among states in this growing economic sector. The committee amendment clarifies the authority of the probate court and certain state agencies and makes several minor editing and technical corrections to the bill as it passed the Senate. Vote 18-0.

Amendment (1533h)

Amend RSA 551:22, II as inserted by section 2 of the bill by replacing it with the following:

II. A no-contest provision shall be enforceable according to the express terms of the no-contest provision without regard to the presence or absence of probable cause for, or the beneficiary's good or bad faith in, taking the action that would justify the complete or partial forfeiture of the beneficiary's interest in the will under the terms of the no-contest provision. A no-contest provision shall be unenforceable to the extent that the will is invalid because of fraud, duress, undue influence, lack of testamentary capacity, or any other reason. In the case of an action solely to challenge the acts of the executor or other fiduciary of the will, a no-contest provision shall be unenforceable to the extent that the executor or other fiduciary has committed a breach of fiduciary duties or breach of trust.

Amend RSA 551:22, III(a)-(b) as inserted by section 2 of the bill by replacing it with the following:

(a) Any action brought by the executor or other fiduciary of a will that incorporates a no-contest provision, unless the executor or other fiduciary is a beneficiary against whom the no-contest provision is otherwise enforceable;

(b) Any agreement among the beneficiaries and any other interested persons in settlement of a dispute or resolution of any other matter relating to such will;

Amend RSA 564:1, II as inserted by section 3 of the bill by replacing it with the following:

II. Except as provided in RSA 564:19, IV, this section shall not apply with respect to any trust exempted from the accounting requirements under RSA 564:19, II.

Amend RSA 564:19 as inserted by section 5 of the bill by replacing it with the following:

564:19 Filing Account.

I. Except as otherwise provided in paragraph II, every trustee shall file in the probate court an annual account of administration, unless upon petition [he] ***the trustee*** is excused by the judge of probate; but in no event shall [he] ***the trustee*** be excused for a period longer than [three] 3 years, except that in cases where such filing may be impractical and may work financial hardship to the trust estate the judge of probate upon written approval of the attorney general may extend said period not exceeding in the aggregate [five] 5 years. Such annual account of administration provided for herein may be allowed by the judge of probate without publication unless he ***or she*** shall otherwise order. Before giving notice to settle a final account the trustee shall file it in the probate office and shall cause the fact of such filing to appear in the notice and shall at the same time file a statement of the names and residences of the beneficiaries in the trust estate.

II. The following trusts created under will shall be exempt from the accounting requirements of paragraph I:

(a) ***A trust created under a will admitted to probate on or after January 1, 2012, shall be exempt from the accounting requirements of paragraph I if, under the terms of the will, the testator expressly waives the requirement for annual accountings.***

(b) ***A trust created under any will shall be exempt from the accounting requirements of paragraph I if all of the interested persons agree to waive the trustee's filing of accounts, and the probate court finds that the waiver of filing of accounts does not violate a material purpose of the trust. The interested persons may agree to waive the trustee's filing of accounts by means of a nonjudicial settlement agreement within the meaning of RSA 564-B:1-111. For purposes of this subparagraph, the trustee's filing of accounts is not a material purpose of a trust created under a will unless, under the terms of the will, there is a clear and express manifestation of the testator's intent that the trust shall be subject to full judicial supervision, including a requirement that the trustee file accounts with the court.***

(c) ***If the court grants a petition for the acceptance of jurisdiction over a trust with respect to which a court of another state has released its jurisdiction, and the court releasing jurisdiction did not require the trustee or trustees of the trust to file accounts with that court, or required that the trustee or trustees of the trust file accounts less frequently than annually, then the court accepting jurisdiction over such trust shall not require accountings whatsoever, or shall require accountings less frequently than annually, as the case may be, on the same basis as may have been required by the court releasing jurisdiction.***

III. A trust created under a will described in paragraph II, with respect to which no judicial accountings will be required, shall in all respects be subject to the beneficiary reporting and information requirements of RSA 564-B, the Uniform Trust Code, and all other pertinent provisions of such code, except to the extent that a contrary provision appears in the will under which the trust was created, provided that such contrary provision does not violate any of the mandatory rules of RSA 564-B:1-105. For these purposes, the pertinent terms of the will shall have the same meaning as "terms of a trust" and the "will creating the trust" shall have the same meaning as "trust instrument", as defined in RSA 564-B:1-103(19) and (20), respectively.

IV. Nothing in this section shall be interpreted to modify or limit the jurisdiction or authority of the probate court to require any trustee of a trust created under a will to make a judicial accounting or to give bond, either upon a motion on interested person, or on the probate court's own action.

V. For purposes of this section, an "interested person" means any person who has standing to petition the court to order the trustee to account, including the director of charitable trusts if, with respect to the trust, the director has the rights of a qualified beneficiary under RSA 564-B:1-110(c).

VI. Nothing in this section shall limit the authority of the attorney general or the department of health and human services otherwise provided by common law or other statute.

Amend RSA 564-B:2-201(b) as inserted by section 9 of the bill by replacing it with the following:

(b) A trust, other than a trust created by a will[~~is not~~] **subject to the provisions of RSA 564:19, shall not be** subject to continuing judicial supervision unless ordered by the court.

Amend the bill by replacing all after section 10 with the following:

11 Uniform Trust Code; Limitation of Action Against Trustee. Amend RSA 564-B:10-1005 to read as follows:

564-B:10-1005 Limitation of Action Against a Trustee by a Beneficiary.

(a) A beneficiary may not commence a proceeding against a trustee for breach of trust more than one year after the date the beneficiary or a representative of the beneficiary was sent a report that adequately disclosed the existence of a potential claim for breach of trust and informed the beneficiary of the time allowed for commencing a proceeding.

(b) A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the beneficiary or representative knows of the potential claim or should have inquired into its existence.

(c) If subsection (a) does not apply, a judicial proceeding by a beneficiary against a trustee for breach of trust must be commenced within 3 years after the first to occur of:

- (1) The removal, resignation, or death of the trustee;
- (2) The termination of the beneficiary's interest in the trust; [or]
- (3) The termination of the trust[~~;~~]; **or**

(4) The date on which the beneficiary or a representative of the beneficiary was sent a report that adequately disclosed the existence of a potential claim for breach of trust.

(d) The periods of limitation under this section shall not be tolled for any reason, except by a written agreement of the trustees and qualified beneficiaries or a court order. Without limiting the circumstances under which a court may issue an order tolling the period of limitations, a court may issue an order tolling the period of limitations under this section during the pendency of any action described in RSA 564-B:10-1014(c)(3).

(e) Nothing in this section shall limit the authority of the attorney general or the department of health and human services otherwise provided by common law or other statute.

12 New Section; Uniform Trust Code; Limitation of Action Against a Trustee by a Trustee, Trust Advisor, or Trust Protector. Amend RSA 564-B by inserting after section 10-1005 the following new section:

564-B:10-1005A Limitation of Action Against a Trustee by a Trustee, Trust Advisor, or Trust Protector.

(a) A trustee shall commence a proceeding against a cotrustee or a former trustee for breach of trust within 3 years after the earlier of the date on which the trustee was sent a report that adequately disclosed the existence of a potential claim for breach of trust or the removal, resignation, or death of the cotrustee or former trustee. A trustee, however, shall not commence a proceeding against a cotrustee or a former trustee if, under RSA 564-B:10-1005, none of the beneficiaries may commence a proceeding against the cotrustee or former trustee for such breach of trust.

(b) A trust advisor or trust protector shall commence a proceeding against a trustee for breach of trust within 3 years after earlier of the date on which the trust advisor or trust protector was sent a report that adequately disclosed the existence of a potential claim for breach of trust or the removal, resignation, or death of the trustee. A trust advisor or trust protector, however, shall not commence a proceeding against a trustee for breach of trust if, under RSA 564-B:10-1005, none of the beneficiaries may commence a proceeding against the trustee for such breach of trust.

(c) A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the recipient knows of the potential claim or should have inquired into its existence.

(d) The periods of limitation under subsection (a) shall not be tolled except by either a written agreement of the trustees or, in the case of a possible claim against a former trustee, the trustees and the former trustee or a court order. The periods of limitation under subsection (b) shall not be tolled except by a written agreement of the trust advisors, trust protectors, and trustees or a court order. Without limiting the circumstances under which a court may issue an order tolling the period of limitations, a court may issue an order tolling the period of limitations under this section during the pendency of any action described in RSA 564-B:10-1014(c)(3).

13 New Section; Uniform Trust Code; Enforcement of No-Contest Provision. Amend RSA 564-B by inserting after section 10-1013 the following new section:

564-B:10-1014 Enforcement of No-Contest Provision.

(a) For the purposes of this section, a "no-contest provision" of a trust instrument means a provision that, if given effect, would reduce or eliminate the interest of any beneficiary of such trust who, directly or indirectly, initiates or otherwise pursues:

(1) Any action to contest the validity of the trust or the terms of the trust;

(2) Any action to set aside or vary the terms of the trust;

(3) Any action to challenge the acts of the trustee or other fiduciary of the trust in the performance of the trustee's or other fiduciary's duties as described in the terms of the trust; or

(4) Any other act or proceedings to frustrate or defeat the settlor's intent as expressed in the terms of the trust.

(b) A no-contest provision shall be enforceable according to the express terms of the no-contest provision without regard to the presence or absence of probable cause for, or the beneficiary's good or bad faith in, taking the action that would justify the complete or partial forfeiture of the beneficiary's interest in the trust under the terms of the no-contest provision. A no-contest provision shall be unenforceable to the extent that the trust is invalid because of fraud, duress, undue influence, lack of testamentary capacity, or any other reason. In the case of an action solely to challenge the acts of the trustee or other fiduciary of the trust, a no-contest provision shall be unenforceable to the extent that the trustee or other fiduciary has committed a breach of fiduciary duties or breach of trust.

(c) Subsection (b) shall not apply to:

(1) Any action brought by the trustee or any other fiduciary serving under the terms of the trust, unless the trustee or other fiduciary is a beneficiary against whom the no-contest provision is otherwise enforceable;

(2) Any agreement among the beneficiaries and any other interested persons in settlement of a dispute or resolution of any other matter relating to the trust, including without limitation any nonjudicial settlement agreement;

(3) Any action to determine whether a proposed or pending motion, petition, or other proceeding constitutes a contest within the meaning of a no-contest provision;

(4) Any action brought by a beneficiary or on behalf of any such beneficiary for a construction or interpretation of the terms of the trust; or

(5) Any action brought by the attorney general for a construction or interpretation of a charitable trust or a trust containing a charitable interest if a provision exists in a trust purporting to penalize a charity or charitable interest for contesting the trust if probable cause exists for instituting proceedings.

(d) It is the intent of this section to enforce the settlor's intent as reflected in a no-contest provision to the greatest extent possible. The provisions of this section shall be construed and applied in a manner consistent with such intent.

(e) This section shall apply to all judicial proceedings concerning the enforcement or interpretation of a no-contest provision commenced on or after its effective date.

14 New Section; Uniform Trust Code; Limitation of Action Against a Trust Advisor or Trust Protector. Amend RSA 564-B by inserting after section 12-1205 the following new section:

564-B:12-1206 Limitation of Action Against a Trust Advisor or Trust Protector.

(a) A beneficiary shall commence a proceeding against a trust advisor or trust protector for breach of trust within the earlier of:

(1) One year after the date on which the beneficiary or the beneficiary's representative was sent a report that adequately disclosed the existence of a potential claim for breach of trust and informed the beneficiary of the time allowed for commencing a proceeding; or

(2) Three years after the date on which the beneficiary or the beneficiary's representative was sent a report that adequately disclosed the existence of a potential claim for breach of trust.

(b) A fiduciary shall commence a proceeding against a trust advisor or trust protector for breach of trust within 3 years after the date on which the fiduciary was sent a report that adequately disclosed the existence of a potential claim for breach of trust; provided, however, that a fiduciary shall not commence a proceeding against a trust advisor or trust protector for breach of trust if, under subsection (a), none of the beneficiaries may commence a proceeding against the trust advisor or trust protector for such breach of trust. For purposes of this section, a "fiduciary" means any trustee, trust advisor, or trust protector.

(c) A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the recipient knows of the potential claim or should have inquired into its existence.

(d) The periods of limitation under subsection (a) shall not be tolled for any reason, except by a written agreement of the qualified beneficiaries and each of the trust advisors and trust protectors against whom a beneficiary may commence a proceeding or a court order. The periods of limitation under subsection (b) shall not be tolled for any reason, except by a written agreement of the trustees and each of the trust advisors and trust protectors against whom a fiduciary may commence a proceeding or a court order. Without limiting the circumstances under which a court may issue an order tolling the period of limitations, a court may issue an order tolling the period of limitations under this section during the pendency of any action described in RSA 564-B:10-1014(c)(3).

(e) Nothing in this section shall limit the authority of the attorney general or the department of health and human services provided by common law or other statute.

15 Uniform Principal and Income Act; Conversion to Unitrust. Amend RSA 564-C:1-106(a)-(b) to read as follows:

(a) Unless expressly prohibited by the terms of the trust, a trustee may convert a trust into a unitrust as described in this section if all of the following apply:

(1) The trustee determines that the conversion will enable the trustee to better carry out the intent of the settlor ~~[or testator]~~, *as defined in RSA 564-B:1-103(15)*, and the purposes of the trust.

(2) The trustee gives written notice of the trustee's intention to convert the trust into a unitrust and of how the unitrust will operate, including what initial decisions the trustee will make under this section, to all the ~~[sui-juris]~~ *qualified* beneficiaries, *as defined in RSA 564-B:1-103(12) and including the director of charitable trusts if, with respect to the trust, the director has the right of a "qualified beneficiary" under RSA 564-B:1-110(c).* ~~[who:~~

(A) Are currently eligible to receive income from the trust;

(B) Would be eligible, if a power of appointment were not exercised, to receive income from the trust if the interest of all the beneficiaries eligible to receive income under subparagraph (a)(2)(A) were to terminate immediately before the giving of notice; and

(C) Would receive, if no powers of appointment were exercised, a distribution of principal if the trust were to terminate immediately prior to the giving of notice.

(3) There is at least one sui-juris beneficiary under subparagraph (a)(2)(A) and at least one sui-juris beneficiary under subparagraph (a)(2)(B):

(4) ~~No sui-juris]~~ (3) *No qualified* beneficiary objects to the conversion to a unitrust in a writing delivered to the trustee within 60 days of the mailing of the notice under subparagraph (a)(2).

(b)(1) The trustee may petition the court to approve the conversion to a unitrust if ~~[any of the following apply:~~

(A) A beneficiary timely objects to the conversion to a unitrust:

(B) There are no sui-juris beneficiaries under subparagraph (a)(2)(A):

~~(C) There are no sui-juris beneficiaries under subparagraph (a)(2)(C):~~ ***a qualified beneficiary timely objects to the conversion of the unitrust.***

(2) A ***qualified*** beneficiary may request a trustee to convert to a unitrust. If the trustee does not convert, the beneficiary may petition the court to order the conversion.

(3) The court shall approve the conversion or direct the requested conversion if the court concludes that the conversion will enable the trustee to better carry out the intent of the settlor [or testator] and the purposes of the trust.

16 Uniform Principal and Income Act; Conversion to Unitrust. Amend RSA 564-C:1-106(j)-(l) to read as follows:

(j)(1) If subparagraph (i)(3), (i)(4), or ~~[(i)(5)]~~ ***(i)(6)*** applies to a trustee and there is more than one trustee, a cotrustee to whom the provision does not apply may convert the trust, unless the exercise of the power by the remaining trustee or trustees is prohibited by the terms of the trust.

(2) If subparagraph (i)(3), (i)(4), or ~~[(i)(5)]~~ ***(i)(6)*** applies to all the trustees, the trustees may petition the court to direct a conversion.

(k) A trustee may permanently release the power conferred by paragraph (a) or may release the power conferred by paragraph (a) for a specified period including a period measured by the life of an individual to convert to a unitrust if any of the following apply:

(1) The trustee is uncertain about whether possessing or exercising the power will cause a result described in subparagraph (i)(3), (i)(4), or (i)(5).

(2) The trustee determines that possessing or exercising the power will or may deprive the trust of a tax benefit or impose a tax burden not described in paragraph (i).

~~(l) [The provisions of RSA 564-B:3-304 shall apply with respect to beneficiaries other than sui-juris beneficiaries]~~ ***For the purposes of this section, a person may represent and bind another person in accordance with Article 3 of RSA 564-B.***

17 Uniform Trust Code; Conforming Change. Amend RSA 564-B:3-304 to read as follows:

564-B:3-304 Representation by Person Having Substantially Identical Interest. Unless otherwise represented, a minor, incapacitated, or unborn individual, or a person whose identity or location is unknown and not reasonably ascertainable, may be represented by and bound by another having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest between the representative and the person represented. ~~[Nothing in this section shall expand or limit the virtual representation of sui-juris beneficiaries for purposes of RSA 564-C:1-106.]~~

18 New Paragraph; Uniform Trust Code; Notice for Minors and Incapacitated Persons. Amend RSA 564-B:1-109 by inserting after paragraph (d) the following new paragraph:

(e) Notice to any minor or incapacitated individual shall not be effective unless such notice is sent to a person who represents and can bind such minor or incapacitated individual in accordance with the provisions of Article 3 of this chapter.

19 Qualified Dispositions in Trust Act; When Transferor May Serve as Trust Advisor. Amend RSA 564-D:5 to read as follows:

564-D:5 Transferor May Serve as Trust Advisor. Any individual, including the transferor of the qualified disposition, may serve as a trust advisor as described in RSA 564-D:4. However, if such transferor serves as the trust advisor, his or her rights and powers as a trust advisor shall be limited to ~~[the right to disapprove distributions from the trust and the right to consent to a trustee's action or inaction relating to the investment of trust assets:]~~

I. The right to direct, consent to, or veto a fiduciary's actual or proposed investment decisions; and

II. The rights and powers described in RSA 564-D:2, II excluding any power that would enable the transferor, acting as trust advisor, to direct, consent to, veto, or otherwise participate in a distribution by the trustee to or for the benefit of the transferor, the transferor's creditors, the transferor's estate, or the creditors of the transferor's estate.

20 Effective Date. This act shall take effect 60 days after its passage.
Referred to the Committee on Judiciary.

SB 116, relative to the manufactured housing installation standards board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sean M. McGuinness for Commerce and Consumer Affairs: This bill amends law pertaining to the manufactured housing installation standards board. The bill permits a licensed installer to place

a warranty seal on a manufactured home. Currently, only a manufacturer can obtain a seal. The bill also allows the standards board to meet at the call of the board chair rather than only every 90 days. The bill also allows a licensed installer's employer to provide a surety bond or a letter of credit on behalf of the licensee. Finally, the committee adopted an amendment which exempted certain temporary construction units (on site trailers) from the third party inspection process required of residential units under RSA 205 C-1. Industry advocates and state fire officials are not in conflict over this technical change. Vote 18-0.

Amendment (1573h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the manufactured housing installation standards board and relative to the definition of a modular building.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Modular Building Standards; Definition of Modular Building. Amend RSA 205-C:1, XI to read as follows:

XI. "Modular building" means any building of closed construction, which is made or assembled in manufacturing facilities off the building site, for installation, or assembly and installation, on the building site. This definition shall not be construed to include any structure labeled in accordance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, *nor shall it include single-wide structures under 750 square feet, provided that they are not for residential or classroom use*, nor shall it include any recreational vehicle or park trailer as defined in American National Standards Institute A119.2, Standard for Recreational Vehicles, or A119.5, Standard for Park Trailers, or any building type not subject to the requirements of nationally recognized model building codes.

AMENDED ANALYSIS

This bill:

- I. Requires a licensed installer or manufacturer to attach a warranty seal to a manufactured home.
- II. Removes the requirement that the manufactured housing installation standards board meet at least every 90 days and permits the board to meet at the call of the board or the chairperson.
- III. Provides that a licensed installer's employer may file the required surety bond or letter of credit on behalf of the licensee.
- IV. Clarifies the definition of a modular building under RSA 205-C, relative to modular building standards.

SB 122, establishing a committee to study the laws relating to electronic prescriptions. **OUGHT TO PASS.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill seeks to improve and encourage the use of electronic prescriptions with private medical practices. Currently, most New Hampshire hospitals already have such a system which has proven to be successful at reducing costs and eliminating errors. A committee will be established to study the laws relating to electronic prescriptions and will report its findings by Nov. 1, 2011. Vote 17-1.

SB 33-FN, relative to retired state employee contributions for medical benefits costs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill, introduced at the request of the department of administrative services, authorizes the department to collect from retired state employees under the age of 65, the statutorily required premium of \$65.00 per month for a single retiree or \$130.00 per month for a retiree and spouse. This provision applies both to retirees who receive a retirement allowance and retirees who do not receive an allowance. The amendment adds a reenrollment clause for retirees whose benefits were terminated for nonpayment, within six months of the termination date, upon payment of any outstanding contribution or other amount. Vote 15-1.

Amendment (1505h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; State Employee Contributions to Medical and Surgical Benefits. Amend RSA 21-I:30 by inserting after paragraph V the following new paragraph:

VI. The commissioner of administrative services shall invoice and collect from retired state employees under the age of 65 years receiving medical and surgical benefits provided under this section, who do not receive a retirement allowance as defined in RSA 100-A:1, XXII, the premium contribution amounts of \$65 per month for each such retiree and \$65 per month for each applicable spouse; provided that the charge to each household shall not exceed \$130 per month. The commissioner of administrative services is also authorized to invoice and collect from such other participants contribution amounts as specified by law. Collected amounts shall be deposited in the employee and retiree benefit risk management fund. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective with the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. If a participant fails to remit payment in full for participation within 30 days of billing, on the 30th day the participant shall be notified by certified mail, return receipt requested, that he or she shall remit payment to the department within 10 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th business day after receipt of the letter and that reenrollment shall be dependent upon payment of any outstanding contribution or other amount within 6 months of the termination date.

2 New Hampshire Retirement System; Medical and Surgical Benefit Administration. Amend RSA 100-A:54, III to read as follows:

III. The retirement system shall deduct from the monthly retirement allowance of retired state employees under the age of 65 years receiving medical and surgical benefits provided pursuant to RSA 21-I:30, the premium contribution amounts of \$65 per month for each such retiree and \$65 per month for each applicable spouse; provided that the charge to each household shall not exceed \$130 per month. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree the ~~[remaining]~~ contribution amount. *Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective with the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. The department of administrative services shall provide notice of the termination of benefits pursuant to RSA 21-I:30, VI.*

3 Effective Date. This act shall take effect 60 days after its passage.

SB 76-FN, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter T. Hansen for Executive Departments and Administration: The committee felt that this bill required additional work before it could be considered and that HB 564, currently retained by Ways and Means, would be the best way to address the issues in SB 76 as they are similar. Vote 17-0.

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head. **OUGHT TO PASS.** Rep. Randall A. Whitehead for Executive Departments and Administration: This bill will improve the functionality and efficiency of departments, should re-assignment of employees be necessary, by allowing the commissioner to transfer or re-assign personnel or to delegate, transfer or assign the authority to administer within components of the agency. This bill limits the extension of the service of a commissioner or agency head as a holdover from an expired term. There is no fiscal impact resulting from this bill. Vote 13-1.

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank R. Kotowski for Health, Human Services and Elderly Affairs: As amended, the bill requires that the department of health and human services initiate action to produce a Memorandum of Understanding among itself, the department of corrections and the attorney general. The Memorandum of Understanding shall outline responsibilities, including the roles each will take in the future in addressing issues concerning adults with developmental disabilities who could potentially present a substantial risk to the community. Vote 16-0.

Amendment (1452h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the establishment of an inter-departmental team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Inter-Departmental Team. Amend RSA 126-A:5 by inserting after paragraph XVIII the following new paragraph:

XIX.(a) The commissioners of the departments of health and human services and corrections, and the attorney general shall enter into a memorandum of understanding establishing an inter-departmental team, to address responsibilities associated with the most challenging cases of individuals 18 years of age or older with developmental disabilities or acquired brain disorders who present a substantial risk to community safety as determined by a comprehensive risk assessment appropriate to the individual. The memorandum of understanding shall include a requirement for participation by the: department of health and human services, including the bureau of developmental services, the bureau of behavioral health, the division for children, youth and families, the bureau of drug and alcohol services, the New Hampshire hospital, the department of justice, and the department of corrections. The purpose of the memorandum of understanding is to promote collaboration and cooperation across all services systems to determine and recommend system responsibility for providing and/or funding specific services and supports to effectively meet the needs of the individual and the public safety of the community in accordance with the rules of the respective departments.

(b) Nothing in this paragraph shall abrogate the rights of individuals or responsibilities of agencies under RSA 171-A, RSA 171-B, RSA 137-K, or any other applicable state or federal law.

(c) Any of the departments may refer a case to the team for consideration. In addition, a county house of corrections may refer a case to the team for consideration for individuals determined eligible under RSA 171-A.

(d) The commissioners and the attorney general shall submit an annual report beginning on November 1, 2011 to the president of the senate, the speaker of the house of representatives, and the governor relative to the outcomes and recommendations of the team.

AMENDED ANALYSIS

This bill requires the commissioners of the departments of health and human services and corrections, and the attorney general to enter into a memorandum of understanding to establish an inter-departmental team, to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

Referred to the Committee on Criminal Justice and Public Safety.

SB 72-FN, establishing a comprehensive cancer plan fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill, as amended, gives the department of health and human services (DHHS) the authority to establish a cancer fund should new grants or private monies become available. SB 72 does not require or request any state dollars. The commissioner of DHHS, in collaboration with the Cancer Collaborative, will direct the use of the funds. Maintaining the possibility of a fund specifically for projects related to cancer makes a statement that New Hampshire continues to recognize that this disease is an issue for its citizens. Vote 16-0.

Amendment (1404h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the comprehensive cancer plan fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Comprehensive Cancer Plan Fund. Amend the introductory paragraph of RSA 126-A:64 to read as follows:

There is hereby established in the office of the state treasurer the comprehensive cancer plan fund, to be administered by the department of health and human services. The department is authorized to accept public sector and private sector grants, gifts, donations, and appropriations for deposit into the fund. The fund shall be nonlapsing and continually appropriated to the department, and shall be used to implement the provisions of the New Hampshire comprehensive cancer plan as developed

by the New Hampshire comprehensive cancer collaboration. The fund shall be expended annually for the following purposes, with allocations determined by the [comprehensive cancer plan oversight board] *commissioner of the department of health and human services, in consultation with the comprehensive cancer collaboration:*

2 Repeal Date Extended. Amend 2007, 263:176, IX to read as follows:

IX. *Paragraph II* of section 98 of this act shall take effect June 30, 2011.

3 Effective Date. This act shall take effect June 30, 2011.

Referred to the Committee on Ways and Means.

SB 151-FN, relative to contracts of the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank R. Kotowski for Health, Human Services and Elderly Affairs: This bill requires the commissioner of the department of health and human services to develop a plan to consolidate contracts of the department including, but not limited to, contracts for the acquisition of goods and services and for the provision of services to clients of the department no later than January 1, 2012. The plan shall be presented for review and comment by the health and human service oversight committee. For the remainder of the biennium ending June 30, 2013, the commissioner shall provide reports to the health and human service oversight committee of the contract consolidation plan. Vote 16-0.

Amendment (1420h)

Amend the bill by replacing section 1 with the following:

1 Contract Consolidation; Department of Health and Human Services. No later than January 1, 2012, the commissioner of the department of health and human services shall develop a plan to consolidate contracts of the department including, but not limited to, contracts for the acquisition of goods and services and for the provision of services to clients of the department. The plan shall be provided for review and comment to the oversight committee on health and human services established pursuant to RSA 126-A:13. For the remainder of the biennium ending June 30, 2013, the commissioner shall provide reports on a quarterly basis to the oversight committee on implementation of the contract consolidation plan.

Referred to the Committee on Finance.

MOTION TO SPECIAL ORDER

Rep. Hawkins moved that **SB 3-FN-A-L**, making comprehensive changes to the state retirement system, be made a Special Order to the beginning of the Regular Calendar and if passed, that House Rules be suspended as to allow immediate third reading.

Adopted by the necessary two-thirds vote.

REGULAR CALENDAR

SPECIAL ORDER

SB 3-FN-A-L, making comprehensive changes to the state retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for the Majority of Special Committee on Public Employee Pensions Reform: This bill is much like HB 580 in that it is making changes to the New Hampshire Retirement System. The committee has amended it to reflect the House position on a number of retirement issues. Changes to age requirements, years worked and contribution rates are addressed in the bill. The committee feels that this bill will help strengthen the new retirement system's ability to pay current and future retirees their pension. Vote 10-3.

Rep. Stephen J. Shurtleff for the Minority of Special Committee on Public Employee Pensions Reform: This bill would make substantial changes in employee contributions to the New Hampshire Retirement System (NHRS) and the methodology of how employees' retirement benefits are computed. There are several areas of concern with SB 3. The bill refers to employees "who have not obtained vested status by January 1, 2012" as being subject of this legislation, as well as new employees. However, there is a legal question regarding the definition of the word "vested" as used in this bill. The bill's drafters used the word "vested" to mean those employees who have been employed for ten or more years and eligible for pensions through the NHRS. But as has been pointed out by legal counsel, under well established case law and in accordance with legal opinions of the New Hampshire Attorney General's Office "vested" status is attained by members of the NHRS upon attainment of permanent employment status, usually after a one year probationary period is

successfully completed. Sadly, this bill also contains what is referred to as a “poison pill” provision. Under section 39 of the bill, if any employee challenges this bill in court and any part of the bill is found to be contrary to the constitution of our state or of the United States then section 36 of the bill will come in to effect. This section states that employees contribution to the NHRS will increase as employees will now also be responsible for 50% of the normal contribution as well as 50% of the accrued liability contribution. By including this provision we are saying that if one segment of our population attempts to use its God given rights to challenge the constitutionality of any legislation passed by the New Hampshire House, they will be penalized for doing so. It is not right to say to anyone or any group that if you look to our constitution for protection of your rights, then you do so at your own peril. This is not the American way or the New Hampshire way and should not be part of any legislation emanating from this body.

Majority Amendment (1576h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Intent.

I. It is imperative for the state to take immediate action to assure the state retirement system's future financial health.

(a) The Pew Institute has concluded that unfunded pension and health care liabilities are a nationwide problem, estimated at over \$1 trillion.

(b) The New Hampshire retirement system has an estimated unfunded pension liability of \$3.7 billion and \$1.5 billion of unfunded medical insurance liability. Although a plan is underway for recovery over 30 years, uncertainties in future market returns, rapid increases in medical costs, increases in life expectancy, and slower growth in public sector employment require prudent intervention to assure financial viability.

(c) The level of federal debt of almost \$14 trillion and growing rapidly suggests that federal assistance to the states may be significantly reduced in the future, adding to the problem.

(d) The budget reductions planned for the state fiscal years 2012 and 2013 are large, and do not fully meet the state's commitments to health and human services, education, transportation, and other services. Reductions in state retirement costs are a necessary part.

II. The current level of benefits for public employees is unsustainable.

(a) On average, benefits constitute an additional 52 percent increase to the cost of public salaries. This is significantly higher than the percent paid in the private sector, and taxpayers are increasing unable to continue this level of support, especially in our recessionary climate.

(b) Public employees are increasingly not cost-competitive with private alternatives to providing state and municipal services.

(c) Public employee contributions to their pensions have not been increased for many years.

III. The financial viability of the state retirement system must be preserved.

(a) Simply shifting who pays (i.e., employees or employers) will not solve the problem.

(b) It is important to adjust the system fairly among employee classes, and to introduce changes in a way to ameliorate impact on present employees, especially those closest to retirement.

(c) Pension costs must not make public employees uncompetitive with the private sector.

2 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. “Earnable compensation” shall mean:

(a) For all members *in service on or before June 30, 2011 and who retire prior to July 1, 2016*, the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. However, earnable compensation in the final 12 months of creditable service prior to termination of

employment shall be limited to 1- 1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) For any member in service on and after July 1, 2011 and who retires after July 1, 2016, the full base rate of compensation paid plus holiday pay, vacation pay, and sick pay, and any compensation for mandatory training and any military differential pay. Earnable compensation shall not include pay for accumulated unused sick or vacation time. However, earnable compensation in the final 2 12-month periods of creditable service prior to termination of employment shall each be limited to 1-1/2 times the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 24 months. Any compensation received in the final 24 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

3 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean, ***for members who retire prior to July 1, 2016***, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. ***For members who retire on or after July 1, 2016, "average final compensation" shall mean the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years.***

4 New Section; Retirement Qualification Age and Benefit Calculation Tables. Amend RSA 100-A by inserting after section 1 the following new section:

100-A:1-a Retirement Qualification Age and Benefit Calculation Tables. Where applicable the following tables shall apply to group I and group II members for the purpose of determining the member's retirement qualification age, years of service, and benefit calculation:

I. Group I.

<u>Creditable service on July 1, 2011</u>	<u>Retirement qualification age</u>	<u>Multiplier</u>
Less than 10 years	65, subject to paragraph III	1/66
At least 10 but not 15 years	64	1/64
At least 15 but not 20 years	63	1/63
At least 20 but not 25 years	62	1/62
At least 25 but not 30 years	61	1/61
At least 30 years	60	1/60

II. Group II.

<u>Creditable service on July 1, 2011</u>	<u>Minimum years of service</u>	<u>Minimum age attained</u>	<u>Annuity multiplier</u>
0 years/ new hire	25	50, subject to paragraph III	2.0%
Less than 4 years	24	49	2.1%
At least 4 years but less than 6 years	23	48	2.2%
At least 6 years but less than 8 years	22	47	2.3%
At least 8 years but less than 10 years	21	46	2.4%
10 years or more	20	45	2.5%

III. The regular retirement qualification age for group I members, and the group II minimum age attained for regular retirement as well as the minimum age to receive a group II retirement allowance under RSA 100-A:5, II(a) for such members, shall be subject to increase according to the following procedure:

(a) Beginning July 1, 2016 and on every subsequent 5-year anniversary thereafter, the executive director shall adjust the ages required according to the increase in the average life expectancy at birth for persons born in the United States as reported in that year by the United States Census Bureau. For each increase in such average life expectancy of at least one full year which occurred during the immediately preceding five-year period, the corresponding number of full years shall be added to the ages identified in this section. Any unused portion of a full-year increase in the average life expectancy shall be carried forward to the subsequent 5-year period.

(b) The board of trustees, following each such 5-year anniversary, shall certify the average life expectancy to be used by the executive director in adjusting the ages according to this section, and shall inform all employers and members of the changes to be applied.

5 New Section; Participation Standards; Classified State Employees. Amend RSA 100-A by inserting after section 28-b the following new section:

100-A:28-c Participation Standards; Classified State Employees.

I. In order to be eligible for participation in the retirement system, an employee as defined in RSA 100-A:1, V who is a classified employee of the state or of any department, commission, institution, or agency of the state government, must be employed in a full-time position with the state or a department, commission, institution, or agency of the state government, as defined by the department of administrative services, division of personnel. Employment by a classified employee in one or more part-time positions, as defined by the department of administrative services, division of personnel, shall not result in such employee's participation in the system, regardless of the number of hours worked in one or more part-time positions, regardless of whether the part-time position or positions may in some instances qualify for vacation pay, sick pay, or other benefits, and regardless of whether positions are held within one or more departments, commissions, institutions, or agencies.

II. Employment by a full-time classified employee of any department, commission, institution, or agency of the state government in a part-time position with a different department, commission, institution, or agency of the state government shall not result in retirement contributions being made in regard to the part-time position, nor shall that position be considered for the purposes of the member's participation in the retirement system.

III. Solely part-time state employment by a classified employee shall not entitle the person to benefits under this chapter or under RSA 21-I:30, RSA 21-I:30-a, or RSA 21-I:32.

IV. To the extent that any administrative rule of the New Hampshire retirement system is inconsistent with the provisions contained this section, the operation of that rule is hereby suspended.

6 State Employees; Group Insurance Benefits. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least [60 years of age] *the retirement qualification age under RSA 100-A:1-a, I* to be eligible.

If the vested deferred state retiree is a member of group II, such retiree shall not be eligible until [20 years from the date of becoming a member of group II and shall be at least 45 years of age] ***meeting the retirement qualifications under RSA 100-A:1-a, II.***

7 Service Retirement; Age Increased. Amend RSA 100-A:5 to read as follows:

100-A:5 Service Retirement Benefits.

I. Group I Members.

(a) Any group I member may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained ~~[age 60]~~ ***the retirement qualification age under RSA 100-A:1-a, I*** and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year.

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to ~~[1/60 of the member's average final compensation]~~ ***the benefit multiplier under RSA 100-A:1-a, I*** multiplied by the number of years of creditable service. After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service. ***Provided, however, that for members who were not in vested status on July 1, 2011, the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 33 years.***

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has either completed at least 20 years of creditable service which, when combined with his age equals at least 70 years, or who has attained the age of 50, but not the ~~[age of 60]~~ ***retirement qualification age under RSA 100-A:1-a, I***, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains ~~[60 years of age]~~ ***the retirement qualification age under RSA 100-A:1-a, I***, by 1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

(d) [Repealed.]

II. Group II Members.

(a)(1) Any group II member in service who has attained ~~[age 45 and completed 20]~~ ***the retirement qualification age and attained the minimum*** years of creditable service ***under RSA 100-A:1-a, II***, or who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees; ***provided however that a group II member who is not in vested status on July 1, 2011 may retire and receive a service retirement allowance beginning upon the attainment of age 55 upon written application to the board of trustees.***

(2) ~~[setting]~~ ***The written application shall set*** forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement ***and attainment of the required age***, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his ***or her*** accumulated contributions at the time of retirement; and

(2) A state annuity which, together with his *or her* member annuity, shall be equal to ~~[2-1/2 percent of his average final compensation]~~ *the annuity multiplier under RSA 100-A:1-a, II* multiplied by the number of years of his *or her* creditable service ~~[not in excess of 40 years]~~ *provided the product does not exceed 100 percent, and then multiplied by the member's average final compensation. Provided, however, that for members who were not in vested status on July 1, 2011, the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 25 years.*

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who has retired on or after the effective date of this subparagraph after attaining the ~~[age of 45 with at least 20]~~ *retirement qualification age and minimum* years of creditable service *under RSA 100-A:1-a, II* shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

8 Disability Retirement; Group I Age Increased. Amend RSA 100-A:6, I(b) to read as follows:

(b)(1) Upon ordinary disability retirement, the group I member who has attained ~~[age 60]~~ *the retirement qualification age under RSA 100-A:1-a, I* shall receive an ordinary disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to ~~[1/60 of the member's average final compensation]~~ *the benefit multiplier under RSA 100-A:1-a, I* at the time of his *or her* ordinary disability retirement multiplied by the number of years of creditable service at the time of his *or her* ordinary disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his *or her* ordinary disability retirement multiplied by the number of years of creditable service at the time of his *or her* ordinary disability retirement;

(C) Regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his *or her* disability retirement.

(2) Upon ordinary disability retirement, the group I member who has not attained ~~[age 60]~~ *the retirement qualification age under RSA 100-A:1-a, I* shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement; and a state annuity which, together with the member annuity, shall be equal to 1.5 percent of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at that time of his ordinary disability retirement. However, regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his *or her* disability retirement.

9 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of his *or her* ordinary disability retirement; and a state annuity which, together with his *or her* member annuity, shall be equal to ~~[2-1/2 percent of his average final compensation]~~ *the annuity multiplier under RSA 100-A:1-a, II* at the time of ~~[his]~~ ordinary disability retirement multiplied by the number of years of his *or her* creditable service ~~[not in excess of 40 at the time of his ordinary disability retirement]~~ *provided the product does not exceed 100 percent, and then multiplied by the member's average final compensation*, provided, *further*, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his *or her* disability retirement. *Provided, however, that for members who were not in vested status on July 1, 2011, the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 25 years.*

10 Accidental Disability Retirement; Group I. Amend RSA 100-A:6, I(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group I member who has attained ~~[age 60]~~ ***the retirement qualification age under RSA 100-A:1-a, I*** shall receive an accidental disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to ~~[1/60 of the member's average final compensation]~~ ***the benefit multiplier under RSA 100-A:1-a, I*** at the time of his ***or her*** accidental disability retirement multiplied by the number of years of creditable service at the time of his ***or her*** accidental disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his ***or her*** accidental disability retirement multiplied by the number of years of creditable service at the time of his ***or her*** accidental disability retirement;

(C) Regardless of age at disability, ***for a member who is in vested status on July 1, 2011,*** such allowance shall not be less than 50 percent of the member's average final compensation at the time of his ***or her*** accidental disability retirement.

(2) Upon accidental disability retirement, the group I member who has not attained ~~[age 60]~~ ***the retirement qualification age under RSA 100-A:1-a, I*** shall receive an accidental disability retirement allowance which shall consist of: the member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement; and a state annuity which, together with the member annuity, shall be equal to 50 percent of the member's average final compensation at the time of his ***or her*** disability retirement.

11 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group II member ***who is in vested status before July 1, 2011,*** shall receive an accidental disability retirement allowance equal to 2/3 of his ***or her*** average final compensation at the time of ~~[his]~~ disability retirement, ***and the group II member who is not in vested status on July 1, 2011, shall receive an accidental disability retirement allowance equal to 1/2 of his or her average final compensation at the time of disability retirement.***

(2) For any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his ***or her*** average final compensation multiplied by the number of years of his ***or her*** creditable service in excess of 26-2/3 but not in excess of 40 years. ***Provided, however, that an accidental disability retirement allowance together with a supplemental disability retirement allowance, as provided in this subparagraph, shall not exceed 100 percent of the disability retiree's average final compensation.***

12 Vested Deferred; Group II Age Increased. Amend RSA 100-A:10, II(b) to read as follows:

(b) Upon the member's attainment of ~~[age 45; provided the member would then have completed 20]~~ ***the retirement qualification age and attained the minimum*** years of creditable service ***under RSA 100-A:1-a, II,*** otherwise the subsequent date on which such ~~[20]~~ ***minimum*** years would have been completed, or at any time after age 60 a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

13 Split Benefits; Minimum Age. Amend RSA 100-A:19-b to read as follows:

100-A:19-b Minimum Age. For the purposes of this subdivision only, minimum age shall mean:

I. For a member who has completed less than ~~[20 years]~~ ***the minimum years*** of combined creditable service in both group I and group II ***as provided in RSA 100-A:1-a, II,*** 60 years ***if the member is in vested status before July 1, 2011, or otherwise 65 years.***

II. For a member who has completed ~~[20 or more]~~ ***at least the minimum*** years of combined creditable service ***as provided in RSA 100-A:1-a, II,*** one year shall be deducted from age 60 ***if the member is in vested status before July 1, 2011, or otherwise age 65,*** for each year of creditable group II service, provided that the age shall not be less than ~~[45 years]~~ ***the retirement qualification age under RSA 100-A:1-a, II.***

14 Split Benefits; Reduced Early Retirement; Minimum Age. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained ~~[an age which is at least 45]~~ **the retirement qualification age under RSA 100-A:1-a, II** and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

15 Financing; Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, **subject to the additions to member contributions under RSA 100-A:16, II(f)**, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Employees of employers other than the state	5.00
Employees of the state hired on or before June 30, 2009	5.00
Employees of the state hired after June 30, 2009	7.00
Teachers	5.00
Permanent Policemen	9.30
Permanent Firemen	9.30
Group I members	7.00
Group II permanent fireman members	11.80
Group II permanent police members	11.55

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members **who are in vested status before July 1, 2011** with creditable service in excess of 40 years **or group II members who are not in vested status on July 1, 2011 with creditable service in excess of 25 years**, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member **who is in vested status before July 1, 2011** with creditable service in excess of 40 years, **or group II member who is not in vested status on July 1, 2011 with creditable service in excess of 25 years**, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

16 Employer Contributions; Limitation Beginning 2013. Amend RSA 100-A:16, II(f) to read as follows:

(f)(I) The total amount payable to the state annuity accumulation fund in each year on account of each member classification shall not be less than normal contribution rate multiplied

by the total compensation earnable by all members in such classification for such year, plus the amount of the accrued liability contribution necessary to liquidate the unfunded accrued liability on behalf of such classification as determined by the actuary under subparagraph (e) above.

(2) Notwithstanding any provision of this paragraph to the contrary, if in any fiscal year after the fiscal year ending June 30, 2012, the total of the amount payable determined under subparagraph (1) plus the member contributions anticipated for such fiscal year, exceed the total amount payable determined under subparagraph (1) plus the member contributions as determined for fiscal year 2012, then any amount for the upcoming fiscal year which exceeds such total for fiscal year 2012 shall be assessed one-half as employer contributions and one-half as additions to the member contribution rates under RSA 100-A:16, I(a) as determined by the board.

17 Retirement System; Administration; Membership of Board. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[14]~~ **13** trustees. Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint ~~[2]~~ **4** trustees, to be known as non-member trustees, who shall be qualified persons with investment and/or financial experience as provided in this paragraph and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified. The non-member trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. The original appointment of ~~[one]~~ **2** of the non-member trustees shall be for a term of one year. The remaining ~~[11]~~ **8** members of the board shall consist of ~~[2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who shall be appointed annually by the senate president, one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, and one person representing management in local government. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term.]~~ **4 member representatives and 4 employer representatives.** The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, **and** the New Hampshire state permanent firemen's association, ~~[and the New Hampshire Local Government Center]~~ shall each annually nominate from their members a panel of 5 persons, ~~[all of whom except for the panel of the Local Government Center shall be active members of the retirement system, or one of the 4 predecessor systems,]~~ no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From ~~[each of]~~ the above named panels, the governor and council shall appoint ~~[one person annually to]~~ **the active member representatives of the board**~~[-except for the panel of the Local Government Center, which shall have one person appointed every 2 years] as needed so as to maintain the representation on the board. The governor and council shall appoint the employer representatives of the board with the advice of employer organizations.~~ Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term ~~[from the same panel from which the former member was appointed]~~. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees.

18 Application; Board of Trustees Membership. Members of the board of trustees for the retirement system on the effective date of this section shall serve for the remainder of their terms. In order to conform to changes to the retirement system board of trustees made by this act, upon a vacancy occurring in the membership on the board of trustees after the effective date of this section, the appointment of a trustee shall be made to reasonably conform to the trustee designations in RSA 100-A:14, I.

19 Repeal of Special Account. RSA 100-A:16, II(h)-(j), relative to the special account, are repealed.

20 Transfer of Balance of Special Account. Any funds remaining in the special account on the effective date of the repeal of the special account by this act shall be transferred to the respective components of the state annuity accumulation fund.

21 Return of Contributions. Amend RSA 100-A:11, I(c) to read as follows:

(c) Upon the death of a group I member who has elected, pursuant to RSA 100-A:10, to receive a vested deferred retirement allowance before his *or her* attainment of [age 60] ***the retirement qualification age under RSA 100-A:1-a, 1***, the amount of his *or her* accumulated contributions at the time of his *or her* death shall be paid to the person or persons, if any, nominated by [him] ***the member***, if living, otherwise to the member's estate.

22 New Paragraph; Definition Added; Part-time Employment. Amend RSA 100-A:1 by inserting after paragraph XXXIII the following new paragraph:

XXXIV. "Part-time," for purposes of employment of a member, means employment by an employer depending on the group classification of the employment as follows:

(a) For group I, in no instance shall part-time employment of the member exceed 1,300 hours in a calendar year.

(b) For group II, in no instance shall part-time employment of the member exceed 1,300 hours in a calendar year.

23 Membership; Optional. Amend the introductory paragraph of RSA 100-A:3, I(a) to read as follows:

I.(a) Any person who becomes an employee, teacher, permanent policeman, or permanent fireman after the date of establishment, working in a position for an employer under this chapter as determined by common law standards, shall become a member of the retirement system as a condition of employment; except that membership shall be optional in the case of ***persons who commenced service prior to July 1, 2008 who are*** elected officials, officials appointed for fixed terms, [~~unclassified state employees;~~] or those employees of the general court who are eligible for membership in the retirement system. Elected officials and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:

24 Restoration to Service; Limited to Part-time. RSA 100-A:7 is repealed and reenacted to read as follows:

100-A:7 Service After Retirement; Part-time. No employer shall employ a member in other than a part-time position after the member's retirement pursuant to this chapter.

25 Repeal. 2002, 137:7, relative to the application of the repeal of former RSA 100-A:3, I(c), is repealed.

26 Study Committee Established; Voluntary Defined Contribution Plan.

I. There is established a committee to study the establishment of a federal tax qualified voluntary defined contribution plan.

II. The members of the committee shall be as follows:

(a) Three members of the senate, who shall be from the executive departments and administration committee, appointed by the president of the senate.

(b) Three members of the house of representatives, each of whom shall be from the special committee on public employee pensions reform, appointed by the speaker of the house of representatives.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

27 State Employees; Retirement. Amend RSA 21-I:30, II(a) to read as follows:

(a) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003, and who also is at least 60 years of age at the time of retirement ***if the employee is in vested status before July 1, 2011 or at least 65 years of age at the time of retirement if the employee is not in vested status on July 1, 2011;*** or

28 Definition of Terminal Funding. Amend RSA 100-A:1, XXX to read as follows:

XXX. "Terminal funding" shall mean providing the full present value of the total liability for benefit improvement. [~~Unless otherwise specified, the source of terminal funding shall be the special account established under RSA 100-A:16, H(h).]~~

29 Benefits Upon Death After Retirement; References to Special Account. Amend RSA 100-A:12, I-a and II to read as follows:

I-a. In addition to any other provision of this section, upon the death of a retired group II member of the New Hampshire retirement system or any predecessor system, who retired pursuant to RSA 100-A:5, II with at least 20 years of creditable service or pursuant to RSA 100-A:6, II(a) prior to April 1, 1987, there shall be paid to the member's spouse at the time of retirement, if surviving, an allowance to continue until the spouse's death or remarriage equal to 50 percent of the service or ordinary disability retirement allowance payable to the retired member prior to the member's death. The total cost of terminally funding the benefits provided by this paragraph shall be funded from the ~~[special account established under RSA 100-A:16, H(h)]~~ **state annuity accumulation fund**.

II. Upon the death of a group II member who has retired on or after April 1, 1987, or upon the death of a group II member who has filed an application for retirement benefits with the board of trustees after January 1, 1991, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600 if the member retired before July 1, 1988, and if the member is married on the date of such member's retirement, there shall be paid to such surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, or accidental disability retirement allowance payments. For any person who is a group II member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, and on or prior to July 1, 1993, the lump sum payment shall be \$3,600. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be **terminally** funded ~~[by reimbursement from the special account established under RSA 100-A:16, H(h)]~~.

30 Supplemental Allowance; Reference to Special Account. Amend RSA 100-A:41-a, III to read as follows:

III.(a) The payment of any such supplemental allowance shall be contingent on terminal funding of the total actuarial cost thereof. ~~[Such terminal funding shall be from the special account established under RSA 100-A:16, H(h).]~~

(b) ~~[No supplemental allowance shall reduce the funds in the respective component of the special account to an amount less than zero.]~~

(c) Cost of living adjustments shall be retroactive to the member's eligibility date pursuant to paragraph I.

31 Management of Funds; Investment Committee. Amend RSA 100-A:15, I to read as follows:

I. The members of the board of trustees shall be the trustees of the several funds created hereby and shall set the investment policy relative to those funds. The independent investment committee shall have full power to invest and reinvest such funds in accordance with the policy set by the board. The board of trustees **and the members of the independent investment committee** shall have the powers, privileges, and immunities of a corporation. The independent investment committee shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments in accordance with the policy set by the board. All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested, or disbursed in trust.

32 Independent Investment Committee Amend RSA 100-A:15, IX to read as follows:

IX. The non-trustee members of the independent investment committee shall be afforded the same liability insurance ~~[and]~~, indemnification, **and statutory protections** as board members.

33 New Section; Retirement System; Construction of Provisions; Member Acknowledgement. Amend RSA 100-A by inserting after section I-a the following new section:

100-A:1-b Construction of Provisions; Member Acknowledgement.

I. The benefits provided under this chapter shall not be construed to constitute a binding contractual obligation with respect to members and may be modified or discontinued by the adoption of appropriate legislation.

II. Every employer shall keep on file for each member commencing service after June 30 2011 a statement of the employee's, teacher's, policeman's, or fireman's acknowledgement of the provisions of paragraph I of this section.

34 New Paragraph; Public Employee Labor Relations; Status Quo; Authority of Employer. Amend RSA 273-A:11 by inserting after paragraph II the following new paragraph:

III. Following the end of the term of a collective bargaining agreement and during any period of negotiation, the status quo shall be maintained as to the wages, hours, and conditions of employment of employees in good standing. Except where required by statute, the continuation, after the expiration of the agreement, of the provision of any medical, dental, and life insurance benefits, retirement or pension benefits, and any other fringe benefits, shall be subject to the exclusive authority of the public employer.

35 New Section; Department of Administrative Services; State Employee Refusal of Benefits Program. Amend RSA 21-I by inserting after section 43-a the following new section:

21-I:43-b State Employee Refusal of Benefits Program.

I. The commissioner of the department of administrative services shall establish and administer a program which shall allow a permanent full-time state employee to refuse his or her rights as a state employee to receive state medical, dental, and retirement benefits in order to instead receive an increase in his or her base salary or wage.

II. The department shall develop forms, establish procedures, and adopt rules for administering the program established by this section. The forms shall include specific notice of the details of the benefits refused by the election of a state employee under this section. Any such election shall be required to be signed and dated by the state employee.

III. A permanent full-time state employee paid through the office of the state treasurer shall be eligible to refuse state employee benefits as described in paragraph I. Upon verification by the department of the state employee's refusal of employment benefits, the state employee shall be granted an increase of 25 percent of his or her base salary or wage, excluding pay related to overtime, unused vacation time, unused sick time, longevity pay, or other compensation not deemed by the department to be base salary or wages, to be paid on regular pay schedule for employment during good standing.

IV. The election to refuse state employment benefits for an increase in base salary or wages shall only be available to a permanent full-time state employee who first commenced service with the state on or after July 1, 2011.

V. The source of funds for the payment of the increase of 25 percent for a state employee electing to refuse state employment benefits under this section shall be the employee and retiree benefit risk management fund established in RSA 21-I:30-e.

36 Member Contribution Rates; Contingent Version. The introductory paragraph of RSA 100-A:16, I(a) and the contribution rates following the introductory paragraph are repealed and reenacted to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, the rate percent of each member's compensation as determined by the retirement system which shall by annual total represent 50 percent of the normal contribution and accrued liability contribution determined under paragraph II.

37 Repeal. RSA 100-A:41-d, relative to additional temporary supplemental allowances, is repealed.

38 Severability; Contingent Amendment; Effective Date.

I. The provisions of this act making various amendments concerning the New Hampshire retirement system shall be severable and if any phrase, clause, sentence, or provision of this act is declared to be contrary to the constitution of this state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this act and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby.

II. If as provided in paragraph I of this section, any phrase, clause, sentence, or provision is held contrary to the constitution of this state or of the United States, the remaining provisions of the act shall be in full force and effect as to all severable matters, and, except where the constitutional challenge is principally in the interest of employers in the retirement system as defined in RSA 100-A:1, IV, section 36 of this act shall take effect on the July 1 next following the date that the board of trustees certifies to the secretary of state and the director of legislative services of the occurrence of a final ruling on the declaration described in paragraph I.

39 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall

recalculate employer contribution rates for the state fiscal years 2012 and 2013 to reflect the requirements of RSA 100-A as amended by this act. Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective for the biennium beginning July 1, 2011, and the recertification of employer contribution percentages, applicable beginning July 1, 2011, shall be provided to each employer within a reasonable period of time not to exceed 30 days from the effective date of this section. The exception to the notice requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer contribution rates for the biennium beginning July 1, 2011.

40 Effective Date.

I. Section 36 of this act shall take effect as provided in section 38 of this act.

II. The remainder of this act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill makes various changes to the state retirement system including:

I. Increasing retirement ages of group I and group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

II. Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

III. Changing the composition of the board of trustees.

IV. Eliminating the special account.

V. Increasing contribution rates.

VI. Establishing a committee to study the establishment of a voluntary defined contribution plan.

VII. Modifying optional membership in the retirement system.

VIII. Limiting participation based on part-time employment, defining part time employment for purposes of the New Hampshire retirement system, and prohibiting members in retirement from returning to full-time employment.

This bill also establishes a program allowing a state employee to refuse his or her rights as a state employee to receive state medical, dental, and retirement benefits in order to instead receive an increase in his or her base salary or wage; and provides that after the end of a collective bargaining agreement, the public employer has exclusive authority for continuation of benefits.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Hawkins offered floor amendment (1710h).

Floor Amendment (1710h)

Amend the bill by replacing section 15 with the following:

15 Financing; Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a)(I) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, *subject to the additions to member contributions under RSA 100-A:16, II(f)*, dependent upon the member's employment classification at the rate determined in accordance with the following table:

~~Employees of employers other than the state 5.00~~

~~Employees of the state hired on or before June 30, 2009 5.00~~

~~Employees of the state hired after June 30, 2009 7.00~~

~~Teachers 5.00~~

~~Permanent Policemen 9.30~~

~~Permanent Firemen 9.30~~

~~Group I members, 7.00~~

~~Group II permanent fireman members, 11.80~~

~~Group II permanent police members, 11.55~~

(2) The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members *who are in vested status before July 1, 2011* with creditable service in excess of 40 years *or group II members who are not in vested status*

on July 1, 2011 with creditable service in excess of 25 years, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member *who is in vested status before July 1, 2011 with creditable service in excess of 40 years, or group II member who is not in vested status on July 1, 2011 with creditable service in excess of 25 years*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

Amend the bill by replacing section 40 with the following:

40 Applicability. Provisions of this act in sections 2, 4–14, RSA 100-A:16, I(a)(2) as inserted by section 15, 27, 35, and 39 containing references to or applicability on June 30, 2011 and July 1, 2011 shall be changed to November 30, 2011 and December 1, 2011, respectively.

41 Effective Date.

I. Section 36 of this act shall take effect as provided in section 38 of this act.

II. RSA 100-A:16, I(a)(1) as inserted by section 15 of this act shall take effect July 1, 2011.

III. The remainder of this act shall take effect December 1, 2011.

Rep. Hawkins spoke in favor.

Floor amendment (1710h) adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Shurtleff offered floor amendment (1674h).

Floor Amendment (1674h)

Amend the bill by replacing sections 2-4 with the following:

2 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For all members *who commenced service on or before August 31, 2011*, the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1- 1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment

from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) For any member who commenced service on or after September 1, 2011, the full base rate of compensation paid plus any compensation for mandatory training and any military differential pay. However, earnable compensation in the final 2 12-month periods of creditable service prior to termination of employment shall each be limited to 1-1/2 times the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 24 months. Any compensation received in the final 24 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

3 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean, ***for members who commenced service prior to September 1, 2011***, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. ***For members who commenced service on or after September 1, 2011, "average final compensation" shall mean the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years.***

4 New Section; Retirement Qualification Age and Benefit Calculation Tables. Amend RSA 100-A by inserting after section 1 the following new section:

100-A:1-a Retirement Qualification Age and Benefit Calculation Tables. Where applicable the following tables shall apply to group I and group II members for the purpose of determining the member's retirement qualification age, years of service, and benefit calculation:

I. For Group I members who:

	<u>Retirement qualification age</u>	<u>Multiplier</u>
Commenced service before September 1, 2011	60	1/60
Commenced service on or after September 1, 2011	65, subject to paragraph III	1/66

II. For Group II members who:

	<u>Minimum years of service</u>	<u>Minimum age attained</u>	<u>Annuity multiplier</u>
Commenced service before September 1, 2011	20	45	2.5%
Commenced service on or after September 1, 2011	25	50, subject to paragraph III	2.0%

III. The regular retirement qualification age for group I and group II members who commenced service on or after September, 1, 2011 shall be subject to increase according to the following procedure:

(a) Beginning July 1, 2016 and on every subsequent 5-year anniversary thereafter, the executive director shall adjust the ages required according to the increase in the average life expectancy at birth for persons born in the United States as reported in that year by the United States Census Bureau. For each increase in such average life expectancy of at least one full year which occurred during the immediately preceding five-year period, the corresponding number of full years shall be added to the ages identified in this section. Any unused portion of a full-year increase in the average life expectancy shall be carried forward to the subsequent 5-year period.

(b) The board of trustees, following each such 5-year anniversary, shall certify the average life expectancy to be used by the executive director in adjusting the ages according to this section, and shall inform all employers and members of the changes to be applied.

Amend the bill by replacing section 7 with the following:

7 Service Retirement; Age Increased. Amend RSA 100-A:5 to read as follows:

100-A:5 Service Retirement Benefits.

I. Group I Members.

(a) Any group I member may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained ~~[age 60]~~ ***the retirement qualification age under RSA 100-A:1-a, I*** and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year.

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to ~~[1/60 of the member's average final compensation]~~ ***the benefit multiplier under RSA 100-A:1-a, I*** multiplied by the number of years of creditable service. After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service. ***Provided, however, that for members who commenced service on or after September 1, 2011, the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 33 years.***

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has either completed at least 20 years of creditable service which, when combined with his age equals at least 70 years, or who has attained the age of 50, but not the ~~[age of 60]~~ ***retirement qualification age under RSA 100-A:1-a, I***, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains ~~[60 years of age]~~ ***the retirement qualification age under RSA 100-A:1-a, I***, by 1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

(d) [Repealed.]

II. Group II Members.

(a) ~~(1)~~ Any group II member in service who has attained ~~[age 45 and completed 20]~~ ***the retirement qualification age and attained the minimum*** years of creditable service ***under RSA 100-A:1-a, II***, or who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees; ***provided however that a group II member who commenced service on or after September 1, 2011 may retire and receive a service retirement allowance beginning upon the attainment of age 55 upon written application to the board of trustees.***

(2) ~~[setting]~~ ***The written application shall set forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.***

(b) Upon service retirement ***and attainment of the required age***, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his ***or her*** accumulated contributions at the time of retirement; and

(2) A state annuity which, together with his *or her* member annuity, shall be equal to ~~[2-1/2 percent of his average final compensation]~~ *the annuity multiplier under RSA 100-A:1-a, II* multiplied by the number of years of his *or her* creditable service ~~[not in excess of 40 years]~~ *provided the product does not exceed 100 percent, and then multiplied by the member's average final compensation. Provided, however, that for members who commenced service on or after September 1, 2011, the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 25 years.*

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who has retired on or after the effective date of this subparagraph after attaining the ~~[age of 45 with at least 20]~~ *retirement qualification age and minimum* years of creditable service *under RSA 100-A:1-a, II* shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

Amend the bill by replacing sections 9-11 with the following:

9 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of his *or her* ordinary disability retirement; and a state annuity which, together with his *or her* member annuity, shall be equal to ~~[2-1/2 percent of his average final compensation]~~ *the annuity multiplier under RSA 100-A:1-a, II* at the time of [his] ordinary disability retirement multiplied by the number of years of his *or her* creditable service ~~[not in excess of 40 at the time of his ordinary disability retirement]~~ *provided the product does not exceed 100 percent, and then multiplied by the member's average final compensation*, provided, *further*, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his *or her* disability retirement. *Provided, however, that for members who commenced service on or after September 1, 2011, the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 25 years.*

10 Accidental Disability Retirement; Group I. Amend RSA 100-A:6, I(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group I member who has attained ~~[age 60]~~ *the retirement qualification age under RSA 100-A:1-a, I* shall receive an accidental disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to ~~[1/60 of the member's average final compensation]~~ *the benefit multiplier under RSA 100-A:1-a, I* at the time of his *or her* accidental disability retirement multiplied by the number of years of creditable service at the time of his *or her* accidental disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his *or her* accidental disability retirement multiplied by the number of years of creditable service at the time of his *or her* accidental disability retirement;

(C) Regardless of age at disability, *for a member who commenced service before September 1, 2011*, such allowance shall not be less than 50 percent of the member's average final compensation at the time of his *or her* accidental disability retirement.

(2) Upon accidental disability retirement, the group I member who has not attained ~~[age 60]~~ *the retirement qualification age under RSA 100-A:1-a, I* shall receive an accidental disability retirement allowance which shall consist of: the member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement; and a state annuity which, together with the member annuity, shall be equal to 50 percent of the member's average final compensation at the time of his *or her* disability retirement.

11 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group II member *who commenced service before September 1, 2011*, shall receive an accidental disability retirement allowance equal to 2/3 of his *or her* average final compensation at the time of [his] disability retirement, *and the group II member who commenced service on or after September 1, 2011, shall receive an accidental disability retirement allowance equal to 1/2 of his or her average final compensation at the time of disability retirement.*

(2) For any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service in excess of 26-2/3 but not in excess of 40 years. *Provided, however, that for a member who commenced service on or after September 1, 2010, an accidental disability retirement allowance together with a supplemental disability retirement allowance, as provided in this subparagraph, shall not exceed 100 percent of the disability retiree's average final compensation.*

Amend the bill by replacing section 13 with the following:

13 Split Benefits; Minimum Age. Amend RSA 100-A:19-b to read as follows:

100-A:19-b Minimum Age. For the purposes of this subdivision only, minimum age shall mean:

I. For a member who has completed less than [20 years] *the minimum years of* combined creditable service in both group I and group II *as provided in RSA 100-A:1-a, II*, 60 years *if the member commenced service before September 1, 2011, or otherwise 65 years.*

II. For a member who has completed [20 or more] *at least the minimum* years of combined creditable service *as provided in RSA 100-A:1-a, II*, one year shall be deducted from age 60 *if the member commenced service before September 1, 2011, or otherwise age 65*, for each year of creditable group II service, provided that the age shall not be less than [45 years] *the retirement qualification age under RSA 100-A:1-a, II.*

Amend the bill by replacing sections 15 and 16 with the following:

15 Financing; Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Employees of employers other than the state *hired on or before August 31, 2011*, 5.00

Employees of the state hired on or before June 30, 2009, 5.00

Employees of the state hired after June 30, 2009, 7.00

Teachers *hired on or before August 31, 2011*, 5.00

Permanent Policemen *hired on or before August 31, 2011*, 9.30

Permanent Firemen *hired on or before August 31, 2011*, 9.30

Group I members hired after August 31, 2011, 7.00, subject to RSA 100-A:16, II(f)(2)

Group II permanent fireman members hired after August 31, 2011, 11.80, subject to RSA 100-A:16, II(f)(2)

Group II permanent police members hired after August 31, 2011, 11.55, subject to RSA 100-A:16, II(f)(2)

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members *who commenced service before September 1, 2011* with creditable service in excess of 40 years *or group II members who commenced service on or after September 1, 2011 with creditable service in excess of 25 years*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member *who commenced service before September 1, 2011* with creditable service in excess of 40 years, *or group II member who commenced service on or after September 1, 2011 with creditable service in excess of 25 years*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day

of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

16 Employer Contributions; Limitation Beginning 2013. Amend RSA 100-A:16, II(f) to read as follows:

(f)(I) The total amount payable to the state annuity accumulation fund in each year on account of each member classification shall not be less than normal contribution rate multiplied by the total compensation earnable by all members in such classification for such year, plus the amount of the accrued liability contribution necessary to liquidate the unfunded accrued liability on behalf of such classification as determined by the actuary under subparagraph (e) above.

(2) Notwithstanding any provision of this paragraph to the contrary, if in any fiscal year after the fiscal year ending June 30, 2012, the total of the amount payable determined under subparagraph (1) plus the member contributions anticipated for such fiscal year, exceed the total amount payable determined under subparagraph (1) plus the member contributions as determined for fiscal year 2012, then, for members who commenced service after August 31, 2011, a proportionate share of the amount for the upcoming fiscal year which exceeds such total for fiscal year 2012 shall be assessed one-half as employer contributions and one-half as additions to the member contribution rates under RSA 100-A:16, I(a) as determined by the board.

Amend the bill by replacing section 27 with the following:

27 State Employees; Retirement. Amend RSA 21-I:30, II(a) to read as follows:

(a) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003, and who also is at least 60 years of age at the time of retirement ***if the employee commenced service before September 1, 2011 or at least 65 years of age at the time of retirement if the employee commenced service on or after September 1, 2011;*** or

Amend the bill by replacing all after section 35 with the following:

36 Repeal. RSA 100-A:41-d, relative to additional temporary supplemental allowances, is repealed.

37 Severability. The provisions of this act making various amendments concerning the New Hampshire retirement system shall be severable and if any phrase, clause, sentence, or provision of this act is declared to be contrary to the constitution of this state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this act and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby.

38 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall recalculate employer contribution rates for the state fiscal years 2012 and 2013 to reflect the requirements of RSA 100-A as amended by this act. Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective as provided during the biennium beginning July 1, 2011, and the recertification of employer contribution percentages shall be provided to each employer within a reasonable period of time not to exceed 30 days from the effective date of this section. The exception to the notice requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer contribution rates for the biennium beginning July 1, 2011.

39 Effective Date. This act shall take effect September 1, 2011.

Rep. William Smith spoke against.

Rep. Shurtleff spoke in favor and requested a roll call; sufficiently seconded.

YEAS 123 NAYS 232

YEAS 123

BELKNAP

CARROLL

Babson, David Jr	Chandler, Gene	Knox, J. David
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CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Emerson, Susan
Hawkes, Samuel	Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Merrick, Evalyn	Remick, William	Richardson, Herbert
Theberge, Robert	Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Cooney, Mary	Gould, Franklin	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Shackett, Jeffrey	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Bergevin, Jerry	Brunelle, Michael	Buxton, Michael	Cote, David
Day, Russell	Gandia, Laura	Garrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Judy, Jean	Levasseur, Nickolas
Long, Patrick	McCarthy, Michael	Pilotte, Maurice	Porter, Marjorie
Proulx, Mark	Rhodes, Brian	Rosenwald, Cindy	Shaw, Barbara
Sullivan, Daniel			

MERRIMACK

Bouchard, Candace	Coffey, Jennifer	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Kidder, David
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Richardson, Gary	Richardson, Jon	Seaworth, G. Brian
Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Dowling, Patricia
Gould, Kenneth	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Perkins, Amy	Perkins, Lawrence	Powers, James	Quandt, Marshall
Quandt, Matt	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher
Sytek, John	Waddell, James	Webb, James	

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Ginsburg, Philip
Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Spang, Judith	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
Smith, Steven			

NAYS 232**BELKNAP**

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Millham, Alida	Pilliod, James	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Tilton, Franklin	Tobin, William
Worsman, Colette			

CARROLL

Ahlgren, Christopher
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

McCarthy, Frank
Pettengill, Laurie

McConkey, Mark
Scala, Dino

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Brosseau, Charles
Simard, Paul

Bulis, Lyle
Sorg, Gregory

Gionet, Edmond
Sova, Charles

Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Champagne, Norma
Condra, William
Doherty, Shaun
Flanagan, Jack
Gimas, John
Hansen, Peter
Hinck, Richard
Hutchinson, Winfred
Lambert, George
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Burt, John
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coffey, James
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Winter, Steven

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Palfrey, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman

Allen, Mary
Bates, David
Brown, Paul
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew

Antosz, Jason
Belanger, Ronald
Case, Frank
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McMahon, Charles

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
MacMahon, Bruce
Murphy, Brian

O'Connor, John
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Oligny, Jeffrey
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and floor amendment (1674h) failed.

Rep. Chandler voted Yea and intended to vote Nay.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Bergevin spoke against and requested a roll call; sufficiently seconded.

YEAS 238 NAYS 121

YEAS 238

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Bolster, Peter
Greemore, Robert
Millham, Alida
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sova, Charles

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Simard, Paul

Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Champagne, Norma
Condra, William
Doherty, Shaun
Flanagan, Jack

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert

Ball, J. Michael
Belvin, William
Burt, John
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coffey, James
DeJong, Cameron
Erickson, Duane
Gargasz, Carolyn

Gimas, John
 Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 Kurk, Neal
 McCarthy, Michael
 Messier, Irene
 Ober, Russell III
 Parison, James
 Renzullo, Andrew
 Silva, Peter
 Stepanek, Stephen
 Thomas, Joseph
 Villeneuve, Moe

Graham, John
 Hardwick, Harry
 Hogan, Edith
 Infantine, William
 Lambert, George
 McClarren, Donald
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Robbins, David
 Simmons, Tammy
 Stroud, Kathleen
 Twombly, Timothy
 Warden, Mark

Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Jasper, Shawn
 LeBrun, Donald
 McGuinness, Sean
 Notter, Jeanine
 Palmer, Barry
 Peterson, Lenette
 Rowe, Robert
 Soucy, Connie
 Summers, James
 Ulery, Jordan
 Whitehead, Randall

Haefner, Robert
 Hikel, John
 Hopper, Gary
 Krasucki, Joseph
 Maltz, Jonathan
 Mecheski, Holly
 Ober, Lynne
 Palmer, Stephen
 Pratt, Calvin
 Seidel, Carl
 Souza, Kathleen
 Swank, Matthew
 Vaillancourt, Steve
 Willette, Robert

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Keane, Thomas
 Lauer-Rago, Kathleen
 McGuire, Dan
 Smith, Molly

Coffey, Jennifer
 Hess, David
 Kidder, David
 Lindsley, Mark
 Palfrey, David
 Smith, Todd

Cohn, Seth
 Hill, Gregory
 Kotowski, Frank
 Lockwood, Priscilla
 Sanborn, Laurie
 Winter, Steven

Cox, Sean
 Hoell, J.R.
 Kreis, Kenneth Sr
 McDonnell, John
 Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Headd, James
 Kappler, Lawrence
 Manuse, Andrew
 O'Connor, John
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tamburello, Daniel
 Waterhouse, Kevin

Allen, Mary
 Bates, David
 Case, Frank
 Devine, James
 Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Kolodziej, Walter
 McMahon, Charles
 Okerman, Richard
 Reichard, Kevin
 Sapareto, Frank
 Smith, William
 Tasker, Kyle
 Welch, David

Antosz, Jason
 Bettencourt, David
 Chirichiello, Brian
 Dowling, Patricia
 Fesh, Robert
 Griffin, Mary
 Introne, Robert
 MacMahon, Bruce
 Murphy, Brian
 Oigny, Jeffrey
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Weyler, Kenneth

Azarian, Gary
 Birdsell, Regina
 Comerford, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Hagan, Joseph
 Itse, Daniel
 Major, Norman
 Nevins, Chris
 Peckham, Michele
 Ritter, Glenn
 Sheffert, Kenneth
 Sullivan, Kevin
 Ward, Joanne

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Munck, Philip
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 121

BELKNAP

Pilliod, James

CARROLL

Knox, J. David

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Emerson, Susan
Hawkes, Samuel	Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Richardson, Herbert	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne
Tremblay, Marc			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Shackett, Jeffrey	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin	Bergevin, Jerry	Brunelle, Michael	Buxton, Michael
Cote, David	Day, Russell	Gandia, Laura	Garrity, Patrick
Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary	Jeudy, Jean
Levasseur, Nickolas	Long, Patrick	Pilotte, Maurice	Porter, Marjorie
Proulx, Mark	Rhodes, Brian	Rosenwald, Cindy	Shaw, Barbara
Sullivan, Daniel	Terrio, Ross		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	MacKay, James	Owen, Derek
Patten, Dick	Potter, Frances	Reed, Dennis	Rice, Chip
Richardson, Gary	Richardson, Jon	Shurtleff, Stephen	Soltani, Tony
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Belanger, Ronald	Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich
Katsakiores, Phyllis	Lundgren, David	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence	Powers, James
Quandt, Marshall	Quandt, Matt	Read, Robin Jr	Schlachman, Donna
Serlin, Christopher	Sytek, John	Tucker, Pamela	Waddell, James
Webb, James			

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Ginsburg, Philip
Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Spang, Judith	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report was adopted and ordered to third reading.

RESOLUTION

Rep. Bettencourt moved the following: **RESOLVED**, that ***SB 3-FN-A-L***, making comprehensive changes to the state retirement system, be read by title only and that it be read a third time by this resolution, and that its title be the same as adopted, and that it be passed at the present time.

Adopted.

Third reading and final passage

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 238-121, it adopted the majority committee report of Ought to Pass with Amendment on **SB 3-FN-A-L**, making comprehensive changes to the state retirement system. On a division vote, 108 members having voted in the affirmative and 254 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Andrew J. Manuse for the Majority of Commerce and Consumer Affairs: Federal district courts in Virginia and Florida have found the Patient Protection and Affordable Care Act unconstitutional. Currently, these lawsuits, filed by 28 states, appear headed to the U.S Supreme Court for a final ruling. The crux of these rulings has been the provision that requires individuals to purchase a health insurance policy or face a penalty. SB 148, with the committee amendment, does three things to halt the negative consequences of this federal takeover of our health care system. First, it makes clear that no resident of the "Live Free or Die" state should ever be forced to buy health insurance or face a penalty. Second, this bill affirms the House position of HB 89, instructing the attorney general to join 26 other states involved in the Florida lawsuit. Finally, SB 148 also directs the insurance department to return \$666,000 the federal government sent in planning funds back to Washington to help pay down the massive federal deficit. Taken together, these three steps send a clear message that New Hampshire will neither be a willing participant in this health care scheme that will rob consumers of freedom and drive up costs to state and federal taxpayers, nor will it waste federal taxpayer dollars on implementing a law that will likely be invalidated ultimately. Vote 12-4.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: The minority disagrees with the claim, in the majority's amendment to this bill, that the Patient Protection and Affordable Care Act is "unconstitutional and therefore likely to be invalidated." According to Kaiser Health News, a nonprofit news organization covering health care policy and politics, of the 25 lawsuits that have made their way to the courts, only two (2) have overturned the law. Seven (7) have ruled that the law is constitutional and dismissed the suits; six (6) cases have been dismissed due to lack of standing or procedural problems; one (1) was dismissed and is being allowed to re-file; and nine (9) are still pending without a decision. Since many New Hampshire citizens already are benefitting from now-effective provisions of the health law, which include not just small business tax credits for the purchase of health coverage but the elimination of lifetime limits, and of pre-existing condition exclusions for children under age 19, the minority does not feel that it is in the best interests of our citizens to join a lawsuit. Beyond making a symbolic point to the attorney general's office and to our congressional delegation, this bill does nothing to improve health care access or affordability for businesses and individuals in New Hampshire. To the contrary, this bill, as amended, would have the New Hampshire insurance department return "any grant funds" related to implementing the Patient Protection and Affordable Care Act, including the exchange planning grant funds. Health insurance exchanges are aimed to make it easier for businesses and consumers to comparison shop by increasing cost-transparency and choice, leveraging competition in the marketplace for private health insurance. Under the health law, the federal government has made "exchange planning" funds available to the states to explore whether or not they would like to create a state-based exchange and what the options are for creation of any exchange that would meet a state's specific needs. As a result of this exploration, if a state chooses to create and design its own exchange, it can establish an exchange that meets its own needs at no cost to the state. But if a state turns away this grant, any exchange would revert to the control of the federal government. And so, in our case, the feds would create an exchange in New Hampshire that they have designed, and by which we would have to abide, without New Hampshire input or control. As a result, 46 other states are using the federal grant dollars to move forward with exchange evaluation and planning, including those that have filed suit against the new health law. With small businesses and consumers in our state being crushed by rising health care costs, it is simply a mistake for the legislature to reject this prudent opportunity to use federal grant dollars to explore such a promising

marketplace option. The minority believes that this bill is not the New Hampshire way and is a step backward for New Hampshire's ability to control its own future and to develop opportunities which would benefit our citizens.

Majority Amendment (1431h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to health insurance coverage, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act, and requiring federal grant moneys received by the state for implementation of the Patient Protection and Affordable Care Act to be returned to the federal government.

Amend the bill by replacing all after section 1 with the following:

2 Statement of Findings. The general court finds that:

I. Several federal courts have ruled that the Patient Protection and Affordable Care Act is unconstitutional and at least one federal court has ruled the act nonseverable.

II. The New Hampshire insurance department has accepted federal moneys for implementation of a law which is likely to be ruled unconstitutional and therefore is likely to be invalidated.

III. The general court is concerned with the spending of all tax dollars, whether at the state or federal level, when the federal government is running a massive structural deficit.

3 Lawsuit Challenging the Federal Patient Protection and Affordable Care Act. The attorney general shall, no later than July 1, 2011, move to join the state of New Hampshire as a plaintiff in the lawsuit pending in federal court captioned State of Florida et al. v. United States Department of Health and Human Services et al.

4 Funds From Grants Returned to Department of Health and Human Services. The state treasurer shall return any grant funds received by the insurance department for purposes of implementing the Patient Protection and Affordable Care Act to the federal Department of Health and Human Services for the purpose of reducing the federal budget deficit.

5 Effective Date.

I. Section 1 of this act shall take effect July 1, 2011.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Provides that a resident of New Hampshire shall not be required to obtain, or be assessed a fee or fine for failure to obtain, health insurance coverage.

II. Requires the attorney general to join the state of New Hampshire as a plaintiff in the lawsuit pending in federal court captioned State of Florida et al. v. United States Department of Health and Human Services et al.

III. Requires certain grant moneys received by the New Hampshire insurance department for the implementation of the Patient Protection and Affordable Care Act to be returned to the federal government.

Rep. Gary Richardson spoke against.

Rep. Schlachman spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Manuse spoke in favor and requested a roll call; sufficiently seconded.

YEAS 259 NAYS 106

YEAS 259 BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Flanders, Donald
Malone, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
Day, Russell
Erickson, Duane
Gandia, Laura
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scoutsas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Keane, Thomas
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Okerman, Richard

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Oigny, Jeffrey

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Peckham, Michele

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Fesh, Robert
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Perkins, Amy

Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 106

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Meader, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Drisko, Richard
Gimas, John
Levasseur, Nickolas
Rhodes, Brian

Brunelle, Michael
Gargas, Carolyn
Goley, Jeffrey
Long, Patrick
Rosenwald, Cindy

Christensen, D.L. Chris
Garrity, Patrick
Gorman, Mary
Pilotte, Maurice
Shaw, Barbara

Cote, David
Gidge, Kenneth
Jeudy, Jean
Porter, Marjorie
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Watrous, Rick

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Kidder, David
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth
Powers, James

Case, Frank
Moody, Marcia
Read, Robin Jr

DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Dowling, Patricia
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale

Brown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Watters, David

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Schlachman spoke against.

Rep. Hunt spoke in favor.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 261 NAYS 104**YEAS 261****BELKNAP**

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Flanders, Donald
Malone, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Shackett, Jeffrey

Bulis, Lyle
Simard, Paul

Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Day, Russell
Erickson, Duane
Gandia, Laura
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean

Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scoutsas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Keane, Thomas
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Oligny, Jeffrey
Quandt, Marshall
Rice, Frederick
Schroader, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 104

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Meador, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Goley, Jeffrey
Long, Patrick
Rosenwald, Cindy

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Pilotte, Maurice
Shaw, Barbara

Cote, David
Gidge, Kenneth
Judy, Jean
Porter, Marjorie
Sullivan, Daniel

Drisko, Richard
Gimas, John
Levasseur, Nickolas
Rhodes, Brian

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Watrous, Rick

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Kidder, David
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth
Powers, James

Case, Frank
Moody, Marcia
Read, Robin Jr

DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Dowling, Patricia
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale

Brown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 474-FN, relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. (Amendment printed SJ 4-20-11)

Rep. Daniels moved that the House concur and spoke in favor.

Rep. Summers requested a roll call; sufficiently seconded.

YEAS 225 NAYS 140

YEAS 225**BELKNAP**

Accornero, Harry
Greemore, Robert
Simpson, Tyler
Tobin, William

Comtois, Guy
Kingsbury, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Luther, Robert
Swinford, Elaine

Flanders, Donald
Malone, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Johnson, Jane

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sova, Charles

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Simard, Paul

Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Champagne, Norma
Condra, William
Doherty, Shaun
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brown, Kevin
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pepino, Leo
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Burt, John
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry
Hansen, Peter
Hinch, Richard
Infantine, William
Lambert, George
McGuinness, Sean
Nottter, Jeanine
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Cebrowski, John
Coffey, James
DeJong, Cameron
Erickson, Duane
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Parison, James
Pratt, Calvin
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie

Cox, Sean
Keane, Thomas
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
Murphy, Brian

Allen, Mary
Bates, David
Brown, Paul
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
O'Connor, John

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Okerman, Richard

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Lundgren, David
McMahon, Charles
Oligny, Jeffrey

Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela

Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Lucien

DeLemus, Susan
Larsen, Kirsten
Parsons, Robbie
Weeden, Michael

Groen, Warren
Leonard, Frederick Jr
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 140

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

Russell, David

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Emerson, Susan
Lindsey, Steven
Sad, Tara

Carr, Daniel
Hawkes, Samuel
Meador, David
Tatro, Bruce

Chase, Cynthia
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Dwinell, Richard
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Richardson, Herbert
Tremblay, Marc

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Shackett, Jeffrey

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Garrity, Patrick
Gonzalez, Carlos
Levasseur, Nickolas
Pilotte, Maurice
Rhodes, Brian
Sullivan, Daniel

Brownrigg, Randall Jr
Day, Russell
Gidge, Kenneth
Gorman, Mary
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Gandia, Laura
Gimas, John
Hopper, Gary
McCarthy, Michael
Proulx, Mark
Shaw, Barbara

Buxton, Michael
Gargas, Carolyn
Goley, Jeffrey
Judy, Jean
Messier, Irene
Ramsey, Peter
Stroud, Kathleen

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Soltani, Tony

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

DeStefano, Stephen
Kidder, David
Patten, Dick
Shurtleff, Stephen
Watrous, Rick

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Smith, Todd
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Devine, James
Hutchinson, Karen
Nevins, Chris
Perkins, Lawrence
Read, Robin Jr
Waddell, James

Case, Frank
DiPentima, Rich
Katsakiores, Phyllis
Norelli, Terie
Powers, James
Schlachman, Donna
Webb, James

Copeland, Timothy
Dowling, Patricia
McKinney, Betsy
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher
Welch, David

DeSimone, Debra
Gould, Kenneth
Moody, Marcia
Perkins, Amy
Quandt, Matt
Sullivan, Kevin

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Watters, David

Brown, Julie
Hooper, Dorothea
Munck, Philip
Spainhower, Dale

Browne, Brendon
Horrigan, Timothy
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John
and the motion was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

HB 70, relative to changes to town charters. (Amendment printed SJ 4-13-11)

Rep. Ferrante moved that the House concur and spoke in favor.

Adopted.

HB 155, relative to permits to conduct raffles. (Amendment printed SJ 4-13-11)

Rep. Ferrante moved that the House concur, spoke in favor and yielded to questions.

Adopted.

HB 55, adding a member to the exotic aquatic weeds and species committee. (Amendment printed SJ 4-13-11)

Rep. Renzullo moved that the House concur and spoke in favor.

Adopted.

HB 278, setting the natural high water mark of Ossipee Lake. (Amendment printed SJ 4-13-11)

Rep. Renzullo moved that the House concur and spoke in favor.

Adopted.

HB 33, relative to the care of memorials in Franconia Notch state park. (Amendment printed SJ 4-20-11)

Rep. Renzullo moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Baldasaro, Swinford, Bolster and Parkhurst.

HB 580-FN-L, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.

(Amendment printed SJ 4-27-11)

Rep. Hawkins moved that the House concur and spoke in favor.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 352 NAYS 10**YEAS 352****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Butynski, William
Chase, Cynthia
Hunt, John
Lindsey, Steven
Roberts, Kris
Tatro, Bruce

Byrnes, John
Dwinell, Richard
Johnsen, Gladys
Meador, David
Sad, Tara
Weber, Lucy

Carr, Daniel
Emerson, Susan
Johnson, Jane
Moore, Charles
Smith, Edwin
Weed, Charles

Cartwright, Anne
Hawkes, Samuel
Lerandeau, Alfred
Parkhurst, Henry
Sterling, Franklin Jr

COOS

Coulombe, Gary
Rappaport, Laurence
Tholl, John Jr

Daugherty, Duffy
Remick, William
Thomas, Yvonne

Hatch, William
Richardson, Herbert
Tremblay, Marc

Merrick, Evelyn
Theberge, Robert

GRAFTON

Aguiar, James
Brosseau, Charles
Gould, Franklin
Pastor, Beatriz
Sorg, Gregory
White, Andrew

Almy, Susan
Bulis, Lyle
Harding, Laurie
Pierce, David
Sova, Charles

Benn, Bernard
Cooney, Mary
Ingbretson, Paul
Reilly, Harold Sr
Taylor, Kathleen

Bradley, Lester
Gionet, Edmond
Nordgren, Sharon
Simard, Paul
Townsend, Charles

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Boehm, Ralph
Burt, John
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gimas, John
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Kurk, Neal
Long, Patrick
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Porter, Marjorie
Rhodes, Brian
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

Balboni, Michael
Barry, Richard
Brown, Kevin
Cebrowski, John
Coffey, James
Day, Russell
Drisko, Richard
Gagne, Larry
Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Lambert, George
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Pratt, Calvin
Robbins, David
Shaw, Barbara
Souza, Kathleen
Summers, James
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Hopper, Gary
Judy, Jean
LeBrun, Donald
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Ramsey, Peter
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Baroody, Benjamin
Belvin, William
Brunelle, Michael
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Levasseur, Nickolas
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pilotte, Maurice
Renzullo, Andrew
Scotsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Frazer, June
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Palfrey, David

Bouchard, Candace
Deloge, Helen
Gile, Mary
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Potter, Frances

Coffey, Jennifer
DeStefano, Stephen
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Reed, Dennis

Cohn, Seth
Foose, Robert
Hill, Gregory
Kotowski, Frank
MacKay, James
Owen, Derek
Rice, Chip

Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

Richardson, Jon
Smith, Molly
Watrous, Rick

Sanborn, Laurie
Smith, Todd
Williams, Robert

Seaworth, G. Brian
Soltani, Tony
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
DiPentima, Rich
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Moody, Marcia
O'Connor, John
Peckham, Michele
Quandt, Marshall
Rice, Frederick
Schlachman, Donna
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Davenport, Joshua
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Okerman, Richard
Perkins, Amy
Read, Robin Jr
Ritter, Glenn
Schroadter, Adam
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Antosz, Jason
Bettencourt, David
Case, Frank
DeSimone, Debra
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Nevins, Chris
Oigny, Jeffrey
Perkins, Lawrence
Reagan, John
Sanders, Elisabeth
Sedensky, John
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Norelli, Terie
Pantelakos, Laura
Powers, James
Reichard, Kevin
Sapareto, Frank
Serlin, Christopher
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Cataldo, Sam
Groen, Warren
Jones, Laura
Leonard, Frederick Jr
Parsons, Robbie
Schmidt, Peter
Wall, Janet

Berube, Roger
DeLemus, Susan
Hooper, Dorothea
Kaen, Naida
Munck, Philip
Pelletier, Marsha
Spainhower, Dale
Watters, David

Brown, Julie
Ginsburg, Philip
Horriggan, Timothy
Keans, Sandra
Newton, Clifford
Pitre, Joseph
Vita, Carol
Weeden, Michael

Browne, Brendon
Grassie, Anne
Jones, Kyle
Larsen, Kirsten
O'Connor, William
Roberts, Jenna
Vita, Lucien

SULLIVAN

Bowers, Spec
Howard, Thomas
Lovett, Charlene
Smith, Steven

Cloutier, John
LaCasse, Paul Sr
Osgood, Joe

Cunningham, Steven
Laware, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

NAYS 10 BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

None

COOS

None

GRAFTON

Shackett, Jeffrey

HILLSBOROUGH

Buxton, Michael

Gandia, Laura

Proulx, Mark

Rosenwald, Cindy

MERRIMACK

Patten, Dick

ROCKINGHAM

Copeland, Timothy

Quandt, Matt

STRAFFORD

Spang, Judith

SULLIVAN

None

and the motion was adopted.

Rep. Bergevin did not vote and notified the Clerk that he wished to be recorded in favor.

HB 132, adopting and implementing the United States flag code. (Amendment printed SJ 4-20-11)

Rep. Baldasaro moved that the House concur and spoke in favor.

Adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Manuse moved that the House reconsider its action whereby, on a roll call vote of 261-104, it adopted the majority committee report of Ought to Pass with Amendment on **SB 148-FN**, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act. On a division vote, 97 members having voted in the affirmative and 265 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

SB 160-FN, relative to the definition and regulation of installment loans. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sean M. McGuinness for the Majority of Commerce and Consumer Affairs: This bill seeks to authorize and regulate legal commerce in the area of consumer installment loans. The bill permits installment loan lenders to conduct business in our state under certain conditions and offers alternative sources of credit to NH consumers who wish to access such credit. Opponents of the bill argue that some lenders engaged in this business are by their nature predatory and may seek to abuse the consumer with onerous or unfair terms. Opponents further suggest that NH consumers are susceptible to deceptive practices and may otherwise act in desperation and/or are not otherwise capable of making well informed personal financial decisions on their own. The majority of the committee voted to reject the logic of the opposition in favor of a view that NH consumers are not presumed to be incompetent and should not be unreasonably restricted or prohibited from accessing well regulated loan products that are appropriate to their individual needs. Further, the committee recognized that the consumers benefit by having an option that will be properly regulated by the NH banking department. Prior to this legislation, no supervisory regulatory controls existed to protect New Hampshire consumers who currently access this kind of lending through the internet, across state lines or through alternative private sources. Vote 16-2.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: The minority understands that in times of unexpected financial difficulty, those with poor credit histories and limited financial resources have few places to turn for assistance. This bill, however, is not the answer to responsible lending and as we learned in the public hearing, does not reflect best practice in short-term lending. While "installment loan" sounds better than "payday loan," the provisions in this bill do not protect consumers from predatory lending that comes with three-digit interest rates and "rollover" features. In addition, these loans are not based on the borrower's ability to pay and lenders are allowed to charge up to 35% of the borrower's gross monthly income. The argument that these loans are a way to establish good credit going forward is not supported by the fact that these lenders do not report to credit rating agencies. In addition, it has been shown nationally that people average 9 of these "short-term" loans per year. We should not confuse the freedom of individuals to make their own financial decisions with a public policy that discourages financial education and long term planning and which often trades one financial emergency for another.

The question being adoption of the majority committee report of Ought to Pass.
 Reps. Schlachman, Flanagan and Kidder spoke against.
 Rep. Soltani spoke against and yielded to questions.
 Reps. Jennifer Coffey and Hunt spoke in favor and yielded to questions.
 Rep. Flanagan requested a roll call; sufficiently seconded.

YEAS 179 NAYS 186**YEAS 179****BELKNAP**

Comtois, Guy
 Luther, Robert
 Swinford, Elaine

Fields, Dennis
 Malone, Robert
 Tilton, Franklin

Flanders, Donald
 Russell, David
 Tobin, William

Greemore, Robert
 Simpson, Tyler

CARROLL

Ahlgren, Christopher
 Patten, Betsey

Chandler, Gene
 Pettengill, Laurie

Fleck, Joseph
 Tregenza, Norman

McConkey, Mark

CHESHIRE

Dwinell, Richard
 Sterling, Franklin Jr

Hunt, John

Moore, Charles

Smith, Edwin

COOS

Tholl, John Jr

GRAFTON

Bulis, Lyle
 Sorg, Gregory

Gionet, Edmond
 Sova, Charles

Ingbreton, Paul

Shackett, Jeffrey

HILLSBOROUGH

Balboni, Michael
 Belvin, William
 Buxton, Michael
 Daniels, Gary
 Erickson, Duane
 Graham, John
 Hikel, John
 Hutchinson, Winfred
 Maltz, Jonathan
 Murphy, Keith
 Parison, James
 Pratt, Calvin
 Seidel, Carl
 Stepanek, Stephen
 Warden, Mark

Ball, J. Michael
 Brown, Kevin
 Cebrowski, John
 DeJong, Cameron
 Gagne, Larry
 Haefner, Robert
 Hinch, Richard
 Infantine, William
 McCarthy, Michael
 Notter, Jeanine
 Pellegrino, Tony
 Renzullo, Andrew
 Silva, Peter
 Swank, Matthew
 Whitehead, Randall

Barry, J. Gail
 Brownrigg, Randall Jr
 Christensen, D.L. Chris
 Doherty, Shaun
 Gandia, Laura
 Hansen, Peter
 Hogan, Edith
 Jasper, Shawn
 McClarren, Donald
 Ober, Russell III
 Pepino, Leo
 Robbins, David
 Simmons, Tammy
 Vaillancourt, Steve
 Willette, Robert

Barry, Richard
 Burt, John
 Christiansen, Lars
 Donovan, Daniel
 Gidge, Kenneth
 Hawkins, Kenneth
 Holden, Frank
 Lambert, George
 McGuinness, Sean
 Ohm, Bill
 Peterson, Lenette
 Rowe, Robert
 Soucy, Connie
 Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
 DeStefano, Stephen
 Keane, Thomas
 McGuire, Dan
 Smith, Molly

Coffey, Jennifer
 Giuda, J. Brandon
 Kotowski, Frank
 Palfrey, David

Cohn, Seth
 Hill, Gregory
 Lauer-Rago, Kathleen
 Sanborn, Laurie

Cox, Sean
 Hoell, J.R.
 McGuire, Carol
 Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
 Belanger, Ronald
 Case, Frank
 Duarte, Joe

Allen, Mary
 Bettencourt, David
 Comerford, Timothy
 Ferrante, Beverly

Antosz, Jason
 Birdsell, Regina
 Davenport, Joshua
 Fesh, Robert

Baldasaro, Alfred
 Brown, Paul
 DeSimone, Debra
 Garcia, Marilinda

Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Sapareto, Frank
Sullivan, James
Tucker, Pamela
Welch, David

Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Schroadter, Adam
Sytek, John
Waddell, James
Weyler, Kenneth

Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Oligny, Jeffrey
Reagan, John
Sedensky, John
Tasker, Kyle
Ward, Joanne

Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Smith, William
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Berube, Roger
Jones, Laura
O'Connor, William
Weeden, Michael

Cataldo, Sam
Larsen, Kirsten
Parsons, Robbie

DeLemus, Susan
Leonard, Frederick Jr
Vita, Carol

Jones, Kyle
Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas

Laware, Thomas

NAYS 186

BELKNAP

Accornero, Harry
Pilliod, James

Bolster, Peter
St. Cyr, Jeffrey

Kingsbury, Robert
Worsman, Colette

Millham, Alida

CARROLL

Babson, David Jr
Scala, Dino

Knox, J. David
Umberger, Karen

McCarthy, Frank

Morrow, Harry

CHESHIRE

Butynski, William
Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Byrnes, John
Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Carr, Daniel
Hawkes, Samuel
Lindsey, Steven
Sad, Tara

Cartwright, Anne
Johnsen, Gladys
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Brosseau, Charles
Nordgren, Sharon
Simard, Paul

Almy, Susan
Cooney, Mary
Pastor, Beatriz
Taylor, Kathleen

Benn, Bernard
Gould, Franklin
Pierce, David
Townsend, Charles

Bradley, Lester
Harding, Laurie
Reilly, Harold Sr
White, Andrew

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Cote, David
Flanagan, Jack
Goley, Jeffrey
Hardwick, Harry
Kurk, Neal
Mecheski, Holly
Palmer, Barry

Baroody, Benjamin
Brunelle, Michael
Cusson-Cail, Kathleen
Fredette, Robert
Gonzalez, Carlos
Hopper, Gary
LeBrun, Donald
Messier, Irene
Palmer, Stephen

Belanger, James
Coffey, James
Day, Russell
Gargas, Carolyn
Gorman, Mary
Judy, Jean
Levasseur, Nickolas
Moran, Edward
Pilotte, Maurice

Bergevin, Jerry
Condra, William
Drisko, Richard
Gimas, John
Greazzo, Phil
Krasucki, Joseph
Long, Patrick
Ober, Lynne
Porter, Marjorie

Proulx, Mark
Rosenwald, Cindy
Stroud, Kathleen
Thomas, Joseph

Ramsey, Peter
Scotsas, Lisa
Sullivan, Daniel
Twombly, Timothy

Rhodes, Brian
Shaw, Barbara
Summers, James
Ulery, Jordan

Rokas, Ted
Souza, Kathleen
Terrio, Ross

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Potter, Frances
Richardson, Jon
Watrous, Rick

Deloge, Helen
Kidder, David
McDonnell, John
Reed, Dennis
Shurtleff, Stephen
Williams, Robert

Foose, Robert
Lindsley, Mark
Owen, Derek
Rice, Chip
Soltani, Tony
Winter, Steven

Frazer, June
Lockwood, Priscilla
Patten, Dick
Richardson, Gary
Wallner, Mary Jane

ROCKINGHAM

Azarian, Gary
Copeland, Timothy
Elliott, Robert
Moody, Marcia
Perkins, Amy
Reichard, Kevin
Serlin, Christopher
Tamburello, Daniel

Bates, David
Devine, James
Garrity, James
Norelli, Terie
Perkins, Lawrence
Rice, Frederick
Sheffert, Kenneth
Webb, James

Cali-Pitts, Jacqueline
DiPentima, Rich
Gould, Kenneth
O'Connor, John
Powers, James
Sanders, Elisabeth
Shuler, Wyman III

Chirichiello, Brian
Dowling, Patricia
Hagan, Joseph
Pantelakos, Laura
Read, Robin Jr
Schlachman, Donna
Sullivan, Kevin

STRAFFORD

Andolina, Donald
Grassie, Anne
Keans, Sandra
Roberts, Jenna
Wall, Janet

Brown, Julie
Groen, Warren
Munck, Philip
Schmidt, Peter
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale

Ginsburg, Philip
Horrigan, Timothy
Pitre, Joseph
Spang, Judith

SULLIVAN

Cloutier, John
Lovett, Charlene
and the majority committee report failed.

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr
Smith, Steven

Lefebvre, Benjamin

MOTION TO LAY ON THE TABLE

Rep. Bettencourt moved that **SB 160-FN**, relative to the definition and regulation of installment loans, be laid on the table.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 160 NAYS 206

YEAS 160

BELKNAP

Comtois, Guy
Malone, Robert
Tilton, Franklin

Fields, Dennis
Russell, David
Tobin, William

Flanders, Donald
Simpson, Tyler

Luther, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Pettengill, Laurie

Chandler, Gene
Tregenza, Norman

McConkey, Mark
Umberger, Karen

Patten, Betsey

CHESHIRE

Dwinell, Richard

Hunt, John

Moore, Charles

Smith, Edwin

COOS

Tholl, John Jr

GRAFTON

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

Sova, Charles

HILLSBOROUGH

Avard, Kevin
 Brownrigg, Randall Jr
 Christensen, D.L. Chris
 Donovan, Daniel
 Gidge, Kenneth
 Hikel, John
 Jasper, Shawn
 Murphy, Keith
 Parison, James
 Pratt, Calvin
 Silva, Peter
 Twombly, Timothy
 Whitehead, Randall

Ball, J. Michael
 Burt, John
 Daniels, Gary
 Erickson, Duane
 Greazzo, Phil
 Hinch, Richard
 McCarthy, Michael
 Notter, Jeanine
 Pellegrino, Tony
 Renzullo, Andrew
 Simmons, Tammy
 Vaillancourt, Steve

Belvin, William
 Buxton, Michael
 DeJong, Cameron
 Gagne, Larry
 Haefner, Robert
 Hogan, Edith
 McClarren, Donald
 Ober, Russell III
 Pepino, Leo
 Rowe, Robert
 Soucy, Connie
 Villeneuve, Moe

Brown, Kevin
 Cebrowski, John
 Doherty, Shaun
 Gandia, Laura
 Hawkins, Kenneth
 Holden, Frank
 McGuinness, Sean
 Ohm, Bill
 Peterson, Lenette
 Seidel, Carl
 Stepanek, Stephen
 Warden, Mark

MERRIMACK

Blankenkaker, Lynne
 Giuda, J. Brandon
 Kotowski, Frank
 Palfrey, David
 Smith, Molly

Coffey, Jennifer
 Hill, Gregory
 Lauer-Rago, Kathleen
 Reed, Dennis
 Smith, Todd

Cohn, Seth
 Hoell, J.R.
 McGuire, Carol
 Sanborn, Laurie
 Winter, Steven

Cox, Sean
 Keane, Thomas
 McGuire, Dan
 Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
 Belanger, Ronald
 Comerford, Timothy
 Garcia, Marilinda
 Hoelzel, Kathleen
 Kolodziej, Walter
 Manuse, Andrew
 Nevins, Chris
 Quandt, Marshall
 Sapareto, Frank
 Smith, William
 Tucker, Pamela

Allen, Mary
 Bettencourt, David
 Davenport, Joshua
 Garrity, James
 Hutchinson, Karen
 Lundgren, David
 McKinney, Betsy
 Okerman, Richard
 Quandt, Matt
 Schroadter, Adam
 Sullivan, James
 Waterhouse, Kevin

Antosz, Jason
 Birdsell, Regina
 DeSimone, Debra
 Griffin, Mary
 Itse, Daniel
 MacMahon, Bruce
 McMahon, Charles
 Oligny, Jeffrey
 Ritter, Glenn
 Sedensky, John
 Sytek, John
 Welch, David

Baldasaro, Alfred
 Brown, Paul
 Duarte, Joe
 Headd, James
 Kappler, Lawrence
 Major, Norman
 Murphy, Brian
 Peckham, Michele
 Sanders, Elisabeth
 Shuler, Wyman III
 Tasker, Kyle
 Weyler, Kenneth

STRAFFORD

Berube, Roger
 Jones, Laura
 Pitre, Joseph

Cataldo, Sam
 Leonard, Frederick Jr
 Vita, Carol

DeLemus, Susan
 Newton, Clifford
 Vita, Lucien

Jones, Kyle
 O'Connor, William

SULLIVAN

Bowers, Spec
 Lovett, Charlene

Cunningham, Steven
 Osgood, Joe

Howard, Thomas
 Rodeschin, Beverly

Laware, Thomas

NAYS 206**BELKNAP**

Accornero, Harry
 Millham, Alida

Bolster, Peter
 Pilliod, James

Greemore, Robert
 St. Cyr, Jeffrey

Kingsbury, Robert
 Worsman, Colette

CARROLL

Babson, David Jr
 Merrow, Harry

Fleck, Joseph
 Scala, Dino

Knox, J. David

McCarthy, Frank

CHESHIRE

Butynski, William
Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Byrnes, John
Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Carr, Daniel
Hawkes, Samuel
Lindsey, Steven
Sad, Tara
Weed, Charles

Cartwright, Anne
Johnsen, Gladys
Meador, David
Sterling, Franklin Jr

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Brosseau, Charles
Harding, Laurie
Reilly, Harold Sr
Townsend, Charles

Almy, Susan
Bulis, Lyle
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Cooney, Mary
Pastor, Beatriz
Simard, Paul

Bradley, Lester
Gould, Franklin
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Belanger, James
Christiansen, Lars
Cusson-Cail, Kathleen
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Jeudy, Jean
LeBrun, Donald
Mecheski, Holly
Palmer, Barry
Proulx, Mark
Rokas, Ted
Souza, Kathleen
Swank, Matthew
Willette, Robert

Baroody, Benjamin
Bergevin, Jerry
Coffey, James
Day, Russell
Gargas, Carolyn
Gorman, Mary
Hopper, Gary
Krasucki, Joseph
Levasseur, Nickolas
Messier, Irene
Palmer, Stephen
Ramsey, Peter
Rosenwald, Cindy
Stroud, Kathleen
Terrio, Ross

Barry, J. Gail
Boehm, Ralph
Condra, William
Drisko, Richard
Gimas, John
Graham, John
Hutchinson, Winfred
Kurk, Neal
Long, Patrick
Moran, Edward
Pilotte, Maurice
Rhodes, Brian
Scotsas, Lisa
Sullivan, Daniel
Thomas, Joseph

Barry, Richard
Brunelle, Michael
Cote, David
Flanagan, Jack
Goley, Jeffrey
Hansen, Peter
Infantine, William
Lambert, George
Maltz, Jonathan
Ober, Lynne
Porter, Marjorie
Robbins, David
Shaw, Barbara
Summers, James
Ulery, Jordan

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Patten, Dick
Richardson, Jon
Watrous, Rick

Deloge, Helen
Gile, Mary
MacKay, James
Potter, Frances
Shurtleff, Stephen
Williams, Robert

DeStefano, Stephen
Kidder, David
McDonnell, John
Rice, Chip
Soltani, Tony

Foose, Robert
Lindsley, Mark
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

ROCKINGHAM

Azarian, Gary
Chirichiello, Brian
Dowling, Patricia
Gould, Kenneth
Moody, Marcia
Perkins, Amy
Reagan, John
Serlin, Christopher
Tremblay, Stella

Bates, David
Copeland, Timothy
Elliott, Robert
Hagan, Joseph
Norelli, Terie
Perkins, Lawrence
Reichard, Kevin
Sheffert, Kenneth
Waddell, James

Cali-Pitts, Jacqueline
Devine, James
Ferrante, Beverly
Introne, Robert
O'Connor, John
Powers, James
Rice, Frederick
Sullivan, Kevin
Ward, Joanne

Case, Frank
DiPentima, Rich
Fesh, Robert
Katsakiores, Phyllis
Pantelakos, Laura
Read, Robin Jr
Schlachman, Donna
Tamburello, Daniel
Webb, James

STRAFFORD

Andolina, Donald
Grassie, Anne

Brown, Julie
Groen, Warren

Browne, Brendon
Hooper, Dorothea

Ginsburg, Philip
Horrigan, Timothy

Keans, Sandra
Pelletier, Marsha
Spang, Judith

Larsen, Kirsten
Roberts, Jenna
Wall, Janet

Munck, Philip
Schmidt, Peter
Watters, David

Parsons, Robbie
Spainhower, Dale
Weeden, Michael

SULLIVAN

Cloutier, John
Schmidt, Andrew
and the motion failed.

Gagnon, Raymond
Smith, Steven

LaCasse, Paul Sr

Lefebvre, Benjamin

Rep. Soltani moved the minority committee report of Inexpedient to Legislate and spoke in favor.
Rep. Vaillancourt spoke against.

Rep. Flanagan requested a roll call; sufficiently seconded.

YEAS 183 NAYS 184

YEAS 183

BELKNAP

Accornero, Harry
St. Cyr, Jeffrey

Bolster, Peter
Worsman, Colette

Kingsbury, Robert

Millham, Alida

CARROLL

Knox, J. David

McCarthy, Frank

Merrow, Harry

Umberger, Karen

CHESHIRE

Butynski, William
Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Byrnes, John
Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Carr, Daniel
Hawkes, Samuel
Lindsey, Steven
Sad, Tara

Cartwright, Anne
Johnsen, Gladys
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Brosseau, Charles
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

Almy, Susan
Cooney, Mary
Pastor, Beatriz
Simard, Paul

Benn, Bernard
Gould, Franklin
Pierce, David
Taylor, Kathleen

Bradley, Lester
Harding, Laurie
Reilly, Harold Sr
Townsend, Charles

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Cote, David
Flanagan, Jack
Goley, Jeffrey
Hardwick, Harry
Kurk, Neal
Mecheski, Holly
Palmer, Barry
Proulx, Mark
Rokas, Ted
Souza, Kathleen
Terrio, Ross

Baroody, Benjamin
Brunelle, Michael
Cusson-Cail, Kathleen
Fredette, Robert
Gonzalez, Carlos
Hopper, Gary
LeBrun, Donald
Messier, Irene
Palmer, Stephen
Ramsey, Peter
Rosenwald, Cindy
Stroud, Kathleen
Thomas, Joseph

Belanger, James
Coffey, James
Day, Russell
Gargas, Carolyn
Gorman, Mary
Hutchinson, Winfred
Levasseur, Nickolas
Moran, Edward
Pilotte, Maurice
Rhodes, Brian
Scontsas, Lisa
Sullivan, Daniel
Ulery, Jordan

Bergevin, Jerry
Condra, William
Drisko, Richard
Gimas, John
Hansen, Peter
Jeudy, Jean
Long, Patrick
Ober, Lynne
Porter, Marjorie
Robbins, David
Shaw, Barbara
Summers, James
Willette, Robert

MERRIMACK

Bouchard, Candace
Gile, Mary

Deloge, Helen
Kidder, David

Foose, Robert
Lindsley, Mark

Frazer, June
Lockwood, Priscilla

MacKay, James
Potter, Frances
Shurtleff, Stephen
Williams, Robert

McDonnell, John
Rice, Chip
Soltani, Tony
Winter, Steven

Owen, Derek
Richardson, Gary
Wallner, Mary Jane

Patten, Dick
Richardson, Jon
Watrous, Rick

ROCKINGHAM

Azarian, Gary
Chirichiello, Brian
Dowling, Patricia
Lovejoy, Patricia
Pantelakos, Laura
Read, Robin Jr
Serlin, Christopher
Webb, James

Bates, David
Copeland, Timothy
Elliott, Robert
Moody, Marcia
Perkins, Amy
Reichard, Kevin
Sheffert, Kenneth

Cali-Pitts, Jacqueline
Devine, James
Gould, Kenneth
Norelli, Terie
Perkins, Lawrence
Rice, Frederick
Sullivan, Kevin

Case, Frank
DiPentima, Rich
Hagan, Joseph
O'Connor, John
Powers, James
Schlachman, Donna
Tamburello, Daniel

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Horrigan, Timothy
Pitre, Joseph
Spang, Judith

Berube, Roger
Grassie, Anne
Keans, Sandra
Roberts, Jenna
Wall, Janet

Brown, Julie
Groen, Warren
Munck, Philip
Schmidt, Peter
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

LaCasse, Paul Sr

Lefebvre, Benjamin

NAYS 184

BELKNAP

Comtois, Guy
Luther, Robert
Simpson, Tyler

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

Greemore, Robert
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
McConkey, Mark
Tregenza, Norman

Babson, David Jr
Patten, Betsey

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph
Scala, Dino

CHESHIRE

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

Moore, Charles

Smith, Edwin

COOS

Tholl, John Jr

GRAFTON

Bulis, Lyle
Sova, Charles

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Belvin, William
Buxton, Michael
Daniels, Gary
Erickson, Duane
Graham, John
Hikel, John
Infantine, William
Maltz, Jonathan

Ball, J. Michael
Brown, Kevin
Cebrowski, John
DeJong, Cameron
Gagne, Larry
Greazzo, Phil
Hinch, Richard
Jasper, Shawn
McCarthy, Michael

Barry, J. Gail
Brownrigg, Randall Jr
Christensen, D.L. Chris
Doherty, Shaun
Gandia, Laura
Haefner, Robert
Hogan, Edith
Krasucki, Joseph
McClarren, Donald

Barry, Richard
Burt, John
Christiansen, Lars
Donovan, Daniel
Gidge, Kenneth
Hawkins, Kenneth
Holden, Frank
Lambert, George
McGuinness, Sean

Murphy, Keith
Parison, James
Pratt, Calvin
Silva, Peter
Swank, Matthew
Warden, Mark

Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Twombly, Timothy
Whitehead, Randall

Ober, Russell III
Pepino, Leo
Rowe, Robert
Soucy, Connie
Vaillancourt, Steve

Ohm, Bill
Peterson, Lenette
Seidel, Carl
Stepanek, Stephen
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Keane, Thomas
McGuire, Dan
Seaworth, G. Brian

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
Palfrey, David
Smith, Molly

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
Reed, Dennis
Smith, Todd

Cox, Sean
Hoell, J.R.
McGuire, Carol
Sanborn, Laurie

ROCKINGHAM

Abami, Patrick
Belanger, Ronald
Comerford, Timothy
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne

Allen, Mary
Bettencourt, David
Davenport, Joshua
Fesh, Robert
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Birdsell, Regina
DeSimone, Debra
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Oigny, Jeffrey
Reagan, John
Schroadter, Adam
Sullivan, James
Tucker, Pamela
Welch, David

Baldasaro, Alfred
Brown, Paul
Duarte, Joe
Garrity, James
Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Sedensky, John
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Larsen, Kirsten
Parsons, Robbie

DeLemus, Susan
Leonard, Frederick Jr
Vita, Carol

Jones, Kyle
Newton, Clifford
Vita, Lucien

Jones, Laura
O'Connor, William
Weeden, Michael

SULLIVAN

Bowers, Spec
Lovett, Charlene
and the minority committee report failed.
Rep. Hunt moved Recommit.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas

MOTION TO LAY ON THE TABLE

Rep. Soltani moved that **SB 160-FN**, relative to the definition and regulation of installment loans, be laid on the table.

Motion failed.

MOTION TO INDEFINITELY POSTPONE

Rep. Pierce moved to indefinitely postpone **SB 160-FN**, relative to the definition and regulation of installment loans.

The Speaker ruled the motion out of order as a motion of higher priority was pending.

APPEAL OF THE RULING OF THE CHAIR

Rep. Watrous appealed the ruling of the Chair whereby the Chair declared that the motion to Lay on the Table **SB 160-FN**, relative to the definition and regulation of installment loans, failed. The Speaker ruled the appeal out of order.

The question now being adoption of the motion to Recommit.

On a division vote, 225 members having voted in the affirmative and 142 in the negative, the motion was adopted.

Recommitted to the Committee on Commerce and Consumer Affairs.

REGULAR CALENDAR (CONT'D)

SB 162-FN, relative to federal health care reform 2010. **OUGHT TO PASS WITH AMENDMENT.** Rep. Andrew J. Manuse for Commerce and Consumer Affairs: In the interim period while the committee studies the various options for opting-out of the Patient Protection and Affordable Care Act of 2010, and also whether to prevent its further implementation, this bill would require all actions of "any state official or agency that seeks to enforce the insurance provisions of the act" to obtain approval from an oversight committee made up of two senators and three representatives. This oversight committee would continue to check the carte blanche authority of state bureaucrats and ensure that they are not taking any actions against the will of the legislature, and indirectly, the will of the people. At this point, such an oversight committee is needed to prevent unnecessary steps toward adoption of an act that the legislature may ultimately decide not to adopt. Vote 16-2.

Amendment (1522h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to implementation of federal health care reform.

Amend the bill by replacing all after the enacting clause with the following:

1 Federal Health Care Reform 2010; Authority of Commissioner. Amend the introductory paragraph of RSA 420-L:3 to read as follows:

The commissioner shall *have the authority to* enforce the consumer protections and market reforms as set forth in the Act that relate to insurance. *Before establishing standards for enforcing the provisions of the Act, the commissioner shall obtain approval from the oversight committee, established in RSA 420-L:6. This provision requiring approval of the oversight committee before establishing standards for the enforcement of the provisions of the Act that relate to insurance shall apply to any state official or agency that seeks to enforce the insurance provisions of the Act.* This section shall not include the medical assistance program under RSA 167. The commissioner shall have full power and authority in accordance with the time frames set forth in the Act to:

2 Health Insurance Oversight Committee; Duties. Amend RSA 420-L:6 to read as follows:

420-L:6 Health Insurance Reform Oversight Committee. There is established a health insurance reform oversight committee consisting of 2 members of the senate, appointed by the president of the senate, one of whom shall be from the senate commerce[, labor and consumer protection] committee, and 3 members of the house of representatives, appointed by the speaker of the house, 2 of whom shall be from the house commerce and consumer affairs committee. *The committee shall elect from its membership a chairman.* The committee shall meet at the request of the commissioner[, but no more frequently than monthly] *or the chairman.* The commissioner shall make such periodic reports to the oversight committee relative to the department's federal insurance reform implementation plans and initiatives as may be required by the oversight committee. The oversight committee shall make [a summary] *an annual* report on federal insurance reform implementation, together with any recommendations for legislation, to the house commerce and consumer affairs committee and the senate commerce[, labor and consumer protection] committee *[by the first day of the 2011 legislative session] on or before November 1, 2011 and thereafter on or before November 1 of each year.*

3 Repeal. The following are repealed:

I. 2010, 243:15, relative to the repeal of RSA 420-L regarding federal health care reform.

II. 2010, 243:16, relative to the expiration of rules adopted pursuant to RSA 420-L.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill removes the repeal of the law authorizing the insurance commissioner to implement the insurance reforms required under federal law. This bill also requires the insurance department to obtain approval from the health insurance reform oversight committee before implementing any of the federal changes.

On a division vote, 172 members having voted in the affirmative and 179 in the negative, the committee amendment failed.

Rep. Hunt moved Recommit.

Adopted.

Recommitted to the Committee on Commerce and Consumer Affairs.

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A. Balboni for Education: The current 10-year pilot program allows the state board of education to approve up to 20 public charter schools. The pilot program has been a success and the bill would allow the state board of education to approve additional public charter schools with no set time limit. The bill also allows public charter schools to apply for federal funds specifically designated for charter schools. The bill ensures that the state adequacy aid (\$3450) follows the student when a child goes to an out of district charter school. The committee amendment, instead of returning to the education trust fund any allocated but unspent charter school funds at the end of each fiscal year, allows unspent funds in excess of \$50,000 to be distributed to all public charter schools (except VLACS, the Virtual Learning Academy Charter School) approved by the state board of education on a prorated, per pupil basis. These additional measures will assist cash-strapped charter schools with much needed additional funding. The NH department of education and the NH public charter school association testified in favor of the bill. Vote 16-1.

Amendment (1619h)

Amend the title of the bill by replacing it with the following:

AN ACT extending the state board of education's authority to approve chartered public schools, relative to the funding of chartered public schools approved by a school district, and relative to proration of unexpended funds to chartered public schools approved by the state board of education.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 4-5, respectively:

3 New Subparagraph; Chartered Public Schools; Funding. Amend RSA 194-B:11, I by inserting after subparagraph (d) the following new subparagraph:

(e) If at least \$50,000 of funds appropriated for the purposes of this section remain unexpended at the end of a fiscal year, the commissioner of the department of education shall prorate the remaining funds among each chartered public school approved by the state board of education pursuant to RSA 194-B:3-a. Proration of funds shall be based on the average daily membership in residence of the chartered public school. This subparagraph shall not apply to the Virtual Learning Academy chartered public school.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Sections 1, 2, and 4 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Repeals the 10-year pilot program for state board of education approval of chartered public schools and gives the state board of education permanent authority to approve chartered public schools.

II. Requires that the state pay tuition for each pupil attending a chartered public school located in this state but outside of the pupil's resident school district directly to such chartered public school.

III. Requires the commissioner of the department of education to prorate unexpended appropriations of \$50,000 or more at the end of a fiscal year to chartered public schools approved by the state board of education.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

Rep. Ball declared a conflict of interest and did not participate.

The House recessed at 12:40 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 1:40 p.m.

REGULAR CALENDAR (CONT'D)

SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for the Majority of Election Law: This bill requires a voter to present a valid photo I.D. to the ballot clerk prior to voting. There are provisions in the bill to allow a "provisional ballot" to be submitted if the individual does not have the identification with them. The individual would need to present the valid photo I.D. within three days of the election in order that the provisional ballot be counted. There are also provisions for a voter to obtain a photo I.D. card free of charge if he/she does not have a valid photo I.D. Vote 13-5.

Rep. David M. Pierce for the Minority of Election Law: The amendment to this bill passed even though there were substantial questions that were not answered, or even discussed, before the majority moved to call the question so a vote could be taken. The chair did not accept the motion, but the unmistakable import of that move was that the majority of the committee was not going to investigate the issues any further. The few answers the committee did get should have compelled a vote to retain the bill. Here's what the committee did discuss and learn: The Secretary of State testified extensively about the bill. From that testimony and from his deputy's testimony before the subcommittee the day before, it was made clear that that the bill's provisional ballot requirement is unworkable because of New Hampshire's uniquely short statutory and constitutional timeframes between the state's primary election and general election and between the general election and the legislative summons. The secretary pointed out that it will also profoundly affect the recount process for the worse by inviting protracted battles over the counting of the provisional ballots. More frightening though was the secretary's sense that the bill actually opens up the system to a new and different type of election fraud instead of combating it. The Secretary of State, the state's chief election officer, said that if the committee wanted to pass a photo id requirement it would be prudent for it to pass something else and not this legislation. But probably the most disturbing thing that the committee learned was that the provisional ballot is not a secret ballot because it removes safeguards so that it would be easier to see how an individual voter voted. Here's what the committee did not discuss: The committee never got to a whole host of other questions about the bill. The committee did not discuss whether the bill is constitutional under Part I, Article 11 of the New Hampshire constitution. The committee never even discussed the framework that should be used to analyze its constitutionality. The committee couldn't answer the question about whether the bill would be subject to the constitution's rational basis test or to a strict scrutiny analysis. The list of substantial and genuine questions about the bill goes on and on. Here's what the committee should have done: The bottom line is that the committee should have retained the bill. It should have honored its constitutional duty to pass legislation only once it satisfied itself that the bill is itself constitutional and that all relevant questions were asked, answered and adequately addressed. What the committee passed on to the House falls far below the high standards that the House Election Law Committee usually sets for itself and is not yet worthy of the House's consideration. The right to vote is the most fundamental right we have to keep government in its place. We ought to know what we're doing before we reform it in such a profound and fundamental way.

Majority Amendment (1606h)

Amend the bill by replacing all after the enacting clause with the following:

1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:
659:13 Obtaining a Ballot.

*1. A person desiring to vote shall, before being admitted to the enclosed space within the guard-rail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. **The ballot clerk shall request that the voter present a valid photo identification meeting the requirements of paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may vote by provisional ballot in accordance with RSA 659:13-b and present a valid photo identification to the city or town clerk within 3 days of the election. If the photo identification has an address***

that does not match the address on the checklist, the ballot clerk shall record the address from the photo identification on the checklist in a color designated for such entries and the supervisors of the checklist shall submit the additional address information to the secretary of state. The voter, if still qualified to vote in the town or ward *and having presented a valid photo identification verifying the voter's identity*, and unless challenged as provided for in RSA [659:27-33] *659:27 through 659:33*, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. A valid photo identification shall satisfy all the following:

(a) The identification shows the name of the individual to whom the identification was issued, and the name substantially conforms to the name in the individual's voter registration record.

(b) The identification shows a photograph of the individual to whom the identification was issued.

(c) The identification was issued by the United States or the state of New Hampshire, or is a valid state driver's license.

2 New Section; Provisional Ballot. Amend RSA 659 by inserting after section 13-a the following new section:

659:13-b Provisional Ballot.

I. If a voter has not presented a valid voter identification under RSA 659:13 and is otherwise qualified to vote, the voter may cast a provisional ballot. The ballot clerk shall indicate on the checklist that the voter has voted by provisional ballot. The provisional ballot shall be the same as the ballot used at the polling place, but shall be sealed by the voter after he or she has marked the ballot in a provisional ballot envelope. The envelope shall contain an affidavit to be executed by the voter containing the same information as the affidavit of a challenged voter and shall sufficiently identify the voter to allow verification of the ballot once the voter has confirmed his or her identity.

II. The moderator shall retain possession of the provisional ballots in their sealed envelopes until the closing of the polls, at which time the moderator shall cause the provisional ballots to be delivered to the city or town clerk.

III. Within 3 days of the election, a voter who has cast a provisional ballot may appear in person before the city or town clerk and present a valid photo identification meeting the requirements of RSA 659:13, II. Upon satisfaction of the identity of the voter, the clerk shall mark the checklist and provisional ballot envelope to that effect. At the expiration of 3 days from the date of the election, the clerk shall forward all provisional ballots for which verification of identity has been provided to the moderator.

IV. The moderator, upon receipt of the verified provisional ballots, shall open the envelopes and count the votes. The moderator shall prepare an amended election return, which shall be prepared and forwarded in the same manner as any other election return. Provisional ballots shall be sealed and preserved in the same manner as other ballots.

3 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, *reimbursing the department of safety for nondriver's picture identification cards*, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 15 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

4 Identification Cards; Voucher. Amend RSA 260:21, V to read as follows:

V. The fee for such card shall be \$10 and is not refundable, except that no fee shall be charged to any person who, for reason of health or age, turns in his driver's license before the expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply only to those persons over age 65. *A person who requires an identification card for voter identification purposes may obtain a voucher from his or her town or city clerk exempting the person from the identification card fee. Upon presentation of the voucher, the actual costs of issuing the card shall be paid by the secretary of state from the election fund established under RSA 5:6-d.*

5 Voter Education.

I. The department of state shall prominently display on the department's website information for voters relating to the photo identification requirements established by this act. The department shall also provide explanatory information relating to this act to media outlets for the purpose of educating the public regarding voter identification requirements.

II. Every town and city clerk shall prominently display a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information. Such notice shall be displayed for at least 14 days prior to each election held after the effective date of this act during 2011 and 2012.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may vote by provisional ballot. This bill also requires that the secretary of state pay the cost for a nondriver's picture identification card upon presentation of a voucher from the town or city clerk.

Rep. Bates spoke against.

Majority committee amendment failed.

Rep. Bates offered floor amendment (1712h).

Floor Amendment (1712h)

Amend the bill by replacing all after the enacting clause with the following:

1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. ***The ballot clerk shall request that the voter present a valid photo identification meeting the requirements of paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may vote by provisional ballot in accordance with RSA 659:13-b and present a valid photo identification, official documentation of driver's license suspension or revocation, waiver issued by the secretary of state under RSA 659:13-d, or affidavit of religious exemption to the city or town clerk by noon of the third business day after the election. If the photo identification is an out-of-state driver's license, the ballot clerk shall record the state of issuance on the checklist in a color designated for such entries and the supervisors of the checklist shall submit the information to the secretary of state.*** The voter, if still qualified to vote in the town or ward ***and having presented a valid photo identification verifying the voter's identity,*** and unless challenged as provided for in RSA [659:27-33] ***659:27 through 659:33,*** shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. A valid photo identification shall satisfy all the following:

(a) The identification shows the name of the individual to whom the identification was issued, and the name substantially conforms to the name in the individual's voter registration record.

(b) The identification shows a photograph of the individual to whom the identification was issued.

(c) The identification was issued by the United States or the state of New Hampshire, or is a valid state driver's license.

2 New Sections; Provisional Ballot. Amend RSA 659 by inserting after section 13-a the following new sections:

659:13-b Provisional Ballot.

I. If a voter has not presented a valid voter identification under RSA 659:13 and is otherwise qualified to vote, the voter may cast a provisional ballot. The ballot clerk shall indicate on the

checklist that the voter has voted by provisional ballot. The provisional ballot shall be the same as the ballot used at the polling place, but shall be sealed in a plain envelope by the voter after he or she has marked the ballot. The voter shall insert the plain envelope into an envelope on which is printed the same information as the affidavit of a challenged voter to be executed by the voter and shall sufficiently identify the voter to allow verification of the ballot once the voter has confirmed his or her identity.

II. The moderator shall prepare a list of all voters who cast provisional ballots and shall retain possession of the provisional ballots in their sealed envelopes until the closing of the polls, at which time the moderator shall cause the provisional ballots and the list to be delivered to the city or town clerk. The clerk shall seal all provisional ballots in a separate box marked "provisional ballots."

III. By noon of the third business day after the election, a voter who has cast a provisional ballot may appear in person before the city or town clerk and present a valid photo identification meeting the requirements of RSA 659:13, II, official documentation of driver's license suspension or revocation, a waiver issued by the secretary of state under RSA 659:13-d, or an affidavit of religious exemption. Upon presentation of a valid photo identification, verification of driver's license suspension or revocation, or receipt of a waiver issued by the secretary of state under RSA 659:13-d or an affidavit of religious exemption, the clerk shall mark the list prepared by the moderator to that effect. The clerk shall require each person presenting a valid photo identification, official documentation of driver's license suspension or revocation, or a waiver issued by the secretary of state under RSA 659:13-d, or executing an affidavit of religious exemption to sign the list next to or beneath his or her name. At noon of the third business day after the election, the clerk shall forward all provisional ballots for which verification of identity has been provided to the moderator. The clerk shall post notice of the time and place of the processing of provisional ballots in accordance with RSA 91-A.

IV. The moderator, upon receipt of the provisional ballots, shall immediately verify that the signatures on the affidavit envelopes match the signatures on the list of provisional voters and shall process the ballots so verified in the same manner as absentee ballots. The clerk shall prepare an amended election return, which shall be prepared and forwarded in the same manner as any other election return. Provisional ballots shall be sealed and preserved in the same manner as other ballots. The duties of the moderator under this section may be fulfilled by another election official designated by the moderator; the official so designated may be an official from another ward in the same city or town and the same official may fulfill the moderator's duties for multiple wards.

659:13-c Affidavit of Religious Exemption. The affidavit of religious exemption shall be in the following form:

AFFIDAVIT OF RELIGIOUS EXEMPTION

Name: _____

Address: _____

Date of birth: _____

I hereby swear and affirm that I adhere to the beliefs of _____ religion and therefore have a religious objection to having my photograph taken and that I do not possess a valid form of identification showing my photograph.

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.

(Signature of affiant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

659:13-d Waiver by Secretary of State. Upon presentation of sworn evidence satisfactory to the secretary of state that a voter does not possess photo identification and also does not possess documentation necessary to obtain a nondriver's picture identification card, the secretary of state may issue a waiver of the photo identification requirement that may be presented to the clerk under RSA 659:13-b. The waiver shall be valid only for the election specified in the waiver.

3 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting

elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, **reimbursing the department of safety for nondriver's picture identification cards**, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 15 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

4 Identification Cards; Voucher. Amend RSA 260:21, V to read as follows:

V. The fee for such card shall be \$10 and is not refundable, except that no fee shall be charged to any person who, for reason of health or age, turns in his **or her** driver's license before the expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply only to those persons over age 65. ***A person who requires a photo identification card for voter identification purposes may obtain a voucher from his or her town or city clerk or the secretary of state exempting the person from the identification card fee. Upon presentation of the voucher to the division, the actual costs of issuing the card shall be paid by the secretary of state from the election fund established under RSA 5:6-d. An identification card paid for by the secretary of state shall be valid for voter identification purposes only, and the card shall be marked "for voter identification only."***

5 Final Counting; Announcement. Amend RSA 659:70 to read as follows:

659:70 Final Counting; Result. The final count of all votes on all ballots cast at the central and additional polling places, if any, shall be combined and the moderator shall announce the final count for each office **and the number of provisional ballots cast.**

6 Voter Education.

I. The department of state shall prominently display on the department's website information for voters relating to the photo identification requirements established by this act. The department shall also provide explanatory information relating to this act to media outlets for the purpose of educating the public regarding voter identification requirements.

II. Every town and city clerk shall prominently display a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information. Such notice shall be displayed for at least 14 days prior to each election held after the effective date of this act during 2011 and 2012.

7 Applicability. In accordance with RSA 659:13, as amended by this act, ballot clerks shall request that the voters present a valid photo identification at all elections after the effective date of this act. However, notwithstanding such provisions, no person shall be denied the right to vote for failure to present a valid photo identification or other documentation acceptable under this act prior to November 1, 2012. The ballot clerks shall tally the number of voters that do not present a valid photo identification at each election prior to November 1, 2012, and the town or city clerk shall report the number with the election return.

8 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may vote by provisional ballot, provided that they subsequently appear in person before the city or town clerk and present a valid photo identification, official documentation of driver's license suspension or revocation, a waiver issued by the secretary of state, or an affidavit of religious exemption. This bill also requires that the secretary of state pay the cost for a nondriver's picture identification card upon presentation of a voucher to the division of motor vehicles.

Reps. Bates, Scala and Hoelzel spoke in favor and yielded to questions.

Rep. Pierce spoke against and requested a roll call; sufficiently seconded.

YEAS 256 NAYS 104

YEAS 256

BELKNAP

Accornero, Harry
Flanders, Donald

Bolster, Peter
Greemore, Robert

Comtois, Guy
Kingsbury, Robert

Fields, Dennis
Luther, Robert

Malone, Robert
St. Cyr, Jeffrey

Millham, Alida
Tilton, Franklin

Pilliod, James
Tobin, William

Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sorg, Gregory

Brosseau, Charles
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Day, Russell
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Richardson, Jon
Smith, Todd

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul

Antosz, Jason
Belanger, Ronald
Case, Frank

Azarian, Gary
Bettencourt, David
Comerford, Timothy

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy

Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Manuse, Andrew
 Nevins, Chris
 Peckham, Michele
 Quandt, Matt
 Ritter, Glenn
 Sheffert, Kenneth
 Sytek, John
 Tucker, Pamela
 Webb, James

Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Hutchinson, Karen
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Perkins, Amy
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tamburello, Daniel
 Waddell, James
 Welch, David

Dowling, Patricia
 Fesh, Robert
 Hagan, Joseph
 Introne, Robert
 MacMahon, Bruce
 McMahon, Charles
 Okerman, Richard
 Perkins, Lawrence
 Reichard, Kevin
 Sapareto, Frank
 Smith, William
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Kappler, Lawrence
 Major, Norman
 Murphy, Brian
 Oigny, Jeffrey
 Quandt, Marshall
 Rice, Frederick
 Sedensky, John
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

STRAFFORD

Andolina, Donald
 Groen, Warren
 Newton, Clifford
 Vita, Carol

Brown, Julie
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Cataldo, Sam
 Leonard, Frederick Jr
 Parsons, Robbie
 Weeden, Michael

DeLemus, Susan
 Munck, Philip
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 104

BELKNAP

Russell, David

None

CARROLL

CHESHIRE

Butynski, William
 Hawkes, Samuel
 Meader, David
 Tatro, Bruce

Carr, Daniel
 Johnsen, Gladys
 Parkhurst, Henry
 Weber, Lucy

Chase, Cynthia
 Lerandeau, Alfred
 Roberts, Kris
 Weed, Charles

Emerson, Susan
 Lindsey, Steven
 Sad, Tara

COOS

Coulombe, Gary
 Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
 Gould, Franklin
 Pierce, David

Almy, Susan
 Harding, Laurie
 Taylor, Kathleen

Benn, Bernard
 Nordgren, Sharon
 Townsend, Charles

Cooney, Mary
 Pastor, Beatriz
 White, Andrew

HILLSBOROUGH

Baroody, Benjamin
 Gimas, John
 Jeudy, Jean
 Porter, Marjorie
 Rokas, Ted

Brunelle, Michael
 Goley, Jeffrey
 Levasseur, Nickolas
 Ramsey, Peter
 Rosenwald, Cindy

Cote, David
 Gorman, Mary
 Long, Patrick
 Rhodes, Brian
 Shaw, Barbara

Garrity, Patrick
 Graham, John
 Pilotte, Maurice
 Robbins, David
 Sullivan, Daniel

MERRIMACK

Bouchard, Candace
 Foose, Robert

Cohn, Seth
 Frazer, June

Deloge, Helen
 Gile, Mary

DeStefano, Stephen
 MacKay, James

Owen, Derek
Richardson, Gary
Williams, Robert

Patten, Dick
Shurtleff, Stephen

Potter, Frances
Wallner, Mary Jane

Rice, Chip
Watrous, Rick

ROCKINGHAM

Allen, Mary
DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Cali-Pitts, Jacqueline
Gould, Kenneth
Pantelakos, Laura
Schroadter, Adam

Chirichiello, Brian
Lovejoy, Patricia
Powers, James
Serlin, Christopher

DeSimone, Debra
Moody, Marcia
Read, Robin Jr

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Keans, Sandra
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Jones, Kyle
Schmidt, Peter
Watters, David

Grassie, Anne
Jones, Laura
Spainhower, Dale

SULLIVAN

Cloutier, John
and floor amendment (1712h) was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Pierce offered floor amendment (1733h).

Floor Amendment (1733h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to proving identity to vote.

Amend the bill by replacing all after the enacting clause with the following:

1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

*I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. **The ballot clerk shall request that the voter present proof of identity meeting the requirements of paragraph II. If the voter does not present proof of identity, the ballot clerk shall record that fact on the checklist and the supervisors of the checklist shall submit the information to the secretary of state.** The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA [659:27-33] 659:27 through 659:33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.*

II. Proof of identity shall be in one of the following forms:

(a) Photo driver's license issued by any state or the federal government.

(b) United States passport, armed services identification, or other photo identification issued by the United States government.

(c) Photo identification issued by local or state government.

(d) A photo identification not authorized by subparagraph (a), (b), or (c) but determined to be legitimate by the supervisors of the checklist or the clerk.

(e) Verification of the person's identity by another person registered as a voter and known to a supervisor or the clerk.

III. (a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who did not prove his or her identity pursuant to this section. The letter shall be mailed within 90 days after the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present

proof of identity voted using his or her name and address and instruct the person to return the letter within 30 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote.

(b) The secretary of state shall cause any letters mailed pursuant to subparagraph (a) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. The secretary of state shall also prepare and forward to the attorney general a list of all persons who were mailed letters under subparagraph (a) and have not confirmed that they voted. Upon receipt of notice from a person who receives a letter of identity verification that the person did not vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent voting occurred.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that a voter be asked to present proof of identity to vote in person. Voters who do not present proof of identity shall be mailed and instructed to return an identity verification letter. Rep. Pierce spoke in favor and requested a roll call; sufficiently seconded.

YEAS 94 NAYS 262

YEAS 94 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Meador, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Judy, Jean
Ramsey, Peter
Rosenwald, Cindy

Brunelle, Michael
Gimas, John
Levasseur, Nicholas
Rhodes, Brian
Shaw, Barbara

Cote, David
Goley, Jeffrey
Long, Patrick
Robbins, David
Sullivan, Daniel

Garrity, Patrick
Gorman, Mary
Porter, Marjorie
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
MacKay, James
Rice, Chip
Watrous, Rick

Foose, Robert
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter
Watters, David

Domingo, Baldwin
Horrigan, Timothy
Spainhower, Dale

Ginsburg, Philip
Keans, Sandra
Spang, Judith

Grassie, Anne
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 262**BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

Ingbertson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pilotte, Maurice
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Richardson, Jon
Smith, Todd

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Allen, Mary
Belanger, Ronald
Case, Frank
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oligny, Jeffrey
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Brown, Julie
Jones, Kyle
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and floor amendment (1733h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Pierce offered floor amendment (1736h).

Floor Amendment (1736h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to presenting proof of identity to vote in person, and relative to the election fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Election Fund. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least [15] 12 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

2 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guard-rail, ~~announce his or her name to one of the ballot clerks who shall thereupon repeat the name~~ approach the ballot clerk to check in. The ballot clerk shall request that the voter prove his or her identity in accordance with the procedure identified in RSA 654:12, III, except that completion of a qualified voter affidavit shall not be sufficient for this purpose. The ballot clerk shall announce the name of the voter; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. The voter, if still qualified to vote in the town or ward and having proven the voter's identity, and unless challenged as provided for in RSA [659:27-33] 659:27 through 659:33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. If a voter cannot prove his or her identity in a manner that satisfies the requirements of paragraph I, the proof of identity requirement may be satisfied by having a digital photograph of the voter taken by an election official to be kept on file.

3 New Sections; Authority of Secretary of State. Amend RSA 659 by inserting after section 13-a the following new sections:

659:13-b Emergency Authority for the Secretary of State. The secretary of state may suspend the proof of identity provisions of RSA 659:13 to the extent necessary to accommodate equipment or software failure, power outages, or other unforeseen situations that prevent the provisions of RSA 659:13, II from being carried out.

659:13-c Authority to Expend Moneys From the Election Fund. The secretary of state may expend moneys from the election fund established under RSA 5:6-d for the purpose of purchasing equipment and implementing improvements to information technology that may be required by RSA 659:13, II.

4 Requesting Photo Identification. At any election prior to October 1, 2012, when issuing a ballot pursuant to RSA 659:13, the ballot clerk shall request that the voter prove his or her identity in accordance with the procedure identified in RSA 654:12, III, except that completion of a qualified voter affidavit shall not be sufficient for this purpose. If the voter cannot prove his or her identity as required under this section, the ballot clerk shall inform the voter that proof of identity will be required in future elections in order to obtain a ballot.

5 Effective Date.

I. Section 2 of this act and RSA 659:13-b as inserted by section 3 of this act shall take effect October 1, 2012.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that a voter present proof of identity to vote in person or have his or her photograph taken by an election official to be kept on file. This bill also reduces the balance that the secretary of state is required to maintain in the election fund.

Rep. Pierce spoke in favor and requested a roll call; sufficiently seconded.

YEAS 95 NAYS 259

**YEAS 95
BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel

Carr, Daniel
Johnsen, Gladys

Chase, Cynthia
Lerandau, Alfred

Emerson, Susan
Lindsey, Steven

Meador, David
Tatro, Bruce

Parkhurst, Henry
Weber, Lucy

Roberts, Kris
Weed, Charles

Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Jeady, Jean
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Gimas, John
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Cote, David
Goley, Jeffrey
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Garrity, Patrick
Gorman, Mary
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtieff, Stephen

DeStefano, Stephen
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Foose, Robert
Mackay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter
Watters, David

Domingo, Baldwin
Horriggan, Timothy
Spainhower, Dale

Ginsburg, Philip
Keans, Sandra
Spang, Judith

Grassie, Anne
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 259

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan
Willette, Robert

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
McDonnell, John
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Antosz, Jason
Belanger, Ronald
Case, Frank
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Brown, Julie
Jones, Kyle
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1736h) failed.

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Pierce offered floor amendment (1739h).

Floor Amendment (1739h)

Amend the bill by replacing section 6 with the following:

6 Voter Education. The department of state shall take all measure reasonably calculated to alert voters about the photo identification requirement established by this act, including, without limitation, prominently display on the department's website all information relevant for such purpose. The department shall also provide explanatory information relating to this act to media outlets for the purpose of educating the public regarding voter identification requirements.
Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 10:

8 Notice of Photo Identification Requirements. Amend RSA 658:1 to read as follows:

658:1 General Election. At least 14 days before any state general election, the selectmen shall post a warrant at all the polling places and at the office of the town or city clerk or at the town hall. Said warrant shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659:4 and RSA 659:4-a. It shall also state all offices and questions which are to be voted on and the location of the central polling place and of any additional polling places. *With each warrant shall be posted a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information.* If the selectmen neglect to issue a warrant for the state general election, or if they neglect to cause copies of such warrant to be posted agreeably to any vote of the town, they shall for each offense be guilty of a violation and any fines collected shall be remitted to the town.

9 Notice of Photo Identification Requirements. Amend RSA 669:2 to read as follows:

669:2 Warrant. The selectmen shall include as part of the warrant for the annual town meeting a warrant for each annual town election which shall prescribe the place, day, and hour of the election, the officers to be elected, and the questions to be submitted to the voters. In a town which has adopted an official ballot system for the election of town officers, the warrant shall specify the time the polls are open and the hour before which the polls may not close. The warrant shall clearly specify which items shall be voted on by ballot at the town election and which items shall be considered at the town business meeting. In a town which has not adopted an official ballot system, it shall be sufficient for a town meeting warrant to list items to be taken up at the town business meeting, including the election of town officers. *With each town election warrant shall be posted a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information.*

Rep. Pierce spoke in favor.

Rep. Horrigan requested a roll call; sufficiently seconded.

YEAS 97 NAYS 251

**YEAS 97
BELKNAP**

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Meador, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguair, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Gimas, John
Maltz, Jonathan
Rhodes, Brian
Sullivan, Daniel

Cote, David
Jeady, Jean
Pilotte, Maurice
Rokas, Ted

Day, Russell
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Foosse, Robert
MacKay, James
Rice, Chip
Watrous, Rick

Cohn, Seth
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Moody, Marcia
Read, Robin Jr

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter
Watters, David

Domingo, Baldwin
Horrigan, Timothy
Spainhower, Dale

Ginsburg, Philip
Keans, Sandra
Spang, Judith

Grassie, Anne
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 251**BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Bolster, Peter
Greemore, Robert
Pilliod, James
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brousseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Keane, Thomas
Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

Cox, Sean
Kidder, David
Lindsley, Mark
Richardson, Jon
Smith, Todd

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Sanborn, Laurie
Soltani, Tony

Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Perkins, Lawrence
Rice, Frederick
Schroadtter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Case, Frank
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Peckham, Michele
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald
Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Brown, Julie
Jones, Kyle
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Smith, Steven

and floor amendment (1739h) failed.

Rep. Jasper did not vote and notified the Clerk that he wished to be recorded against.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Reps. Pepino and Jasper spoke in favor.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 243 NAYS 111**YEAS 243****BELKNAP**

Accomero, Harry
Flanders, Donald
Malone, Robert
Swinford, Elaine

Bolster, Peter
Greemore, Robert
Millham, Alida
Tilton, Franklin

Comtois, Guy
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Day, Russell
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene

Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward

Notter, Jeanine
 Parison, James
 Proulx, Mark
 Seidel, Carl
 Stepanek, Stephen
 Thomas, Joseph
 Villeneuve, Moe

Ohm, Bill
 Pellegrino, Tony
 Renzullo, Andrew
 Silva, Peter
 Stroud, Kathleen
 Twombly, Timothy
 Whitehead, Randall

Palmer, Barry
 Peterson, Lenette
 Rowe, Robert
 Soucy, Connie
 Summers, James
 Ulery, Jordan
 Willette, Brian

Palmer, Stephen
 Pratt, Calvin
 Scotsas, Lisa
 Souza, Kathleen
 Swank, Matthew
 Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
 Hess, David
 Kotowski, Frank
 Lockwood, Priscilla
 Richardson, Jon
 Winter, Steven

Coffey, Jennifer
 Hill, Gregory
 Kreis, Kenneth Sr
 McDonnell, John
 Smith, Molly

Cox, Sean
 Keane, Thomas
 Lauer-Rago, Kathleen
 McGuire, Carol
 Smith, Todd

Giuda, J. Brandon
 Kidder, David
 Lindsley, Mark
 Palfrey, David
 Soltani, Tony

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Case, Frank
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Hutchinson, Karen
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Perkins, Lawrence
 Reichard, Kevin
 Sapareto, Frank
 Smith, William
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Antosz, Jason
 Belanger, Ronald
 Comerford, Timothy
 Dowling, Patricia
 Fesh, Robert
 Hagan, Joseph
 Introne, Robert
 MacMahon, Bruce
 McMahon, Charles
 Okerman, Richard
 Quandt, Marshall
 Rice, Frederick
 Sedensky, John
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

Azarian, Gary
 Bettencourt, David
 Copeland, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Kappler, Lawrence
 Major, Norman
 Murphy, Brian
 Peckham, Michele
 Quandt, Matt
 Ritter, Glenn
 Sheffert, Kenneth
 Sytek, John
 Tucker, Pamela
 Webb, James

Baldasaro, Alfred
 Birdsell, Regina
 Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Manuse, Andrew
 Nevins, Chris
 Perkins, Amy
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tamburello, Daniel
 Waddell, James
 Welch, David

STRAFFORD

Andolina, Donald
 Groen, Warren
 Newton, Clifford
 Vita, Carol

Brown, Julie
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Cataldo, Sam
 Leonard, Frederick Jr
 Parsons, Robbie
 Weeden, Michael

DeLemus, Susan
 Munck, Philip
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 111 BELKNAP

Pilliod, James

Russell, David

CARROLL

Tregenza, Norman

CHESHIRE

Butynski, William
 Hawkes, Samuel
 Meader, David
 Tatro, Bruce

Carr, Daniel
 Johnsen, Gladys
 Parkhurst, Henry
 Weber, Lucy

Chase, Cynthia
 Lerandean, Alfred
 Roberts, Kris
 Weed, Charles

Emerson, Susan
 Lindsey, Steven
 Sad, Tara

COOSCoulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTONAguiar, James
Gould, Franklin
Pierce, DavidAlmy, Susan
Harding, Laurie
Taylor, KathleenBenn, Bernard
Nordgren, Sharon
Townsend, CharlesCooney, Mary
Pastor, Beatriz
White, Andrew**HILLSBOROUGH**Baroody, Benjamin
Gimas, John
Levasseur, Nickolas
Pilotte, Maurice
Robbins, David
Simmons, TammyBrunelle, Michael
Goley, Jeffrey
Murphy, Keith
Porter, Marjorie
Rokas, Ted
Sullivan, DanielCote, David
Graham, John
Ober, Lynne
Ramsey, Peter
Rosenwald, Cindy
Warden, MarkGidge, Kenneth
Jeudy, Jean
Ober, Russell III
Rhodes, Brian
Shaw, Barbara**MERRIMACK**Bouchard, Candace
Foose, Robert
Owen, Derek
Richardson, Gary
Watrous, RickCohn, Seth
Frazer, June
Patten, Dick
Seaworth, G. Brian
Williams, RobertDeloge, Helen
Gile, Mary
Potter, Frances
Shurtleff, StephenDeStefano, Stephen
MacKay, James
Rice, Chip
Wallner, Mary Jane**ROCKINGHAM**Allen, Mary
DeSimone, Debra
Moody, Marcia
Read, Robin JrBrown, Paul
DiPentima, Rich
Norelli, Terie
Schlachman, DonnaCali-Pitts, Jacqueline
Gould, Kenneth
Pantelakos, Laura
Schroadter, AdamChirichiello, Brian
Lovejoy, Patricia
Powers, James
Serlin, Christopher**STRAFFORD**Browne, Brendon
Hooper, Dorothea
Keans, Sandra
Spang, JudithDomingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Wall, JanetGinsburg, Philip
Jones, Kyle
Schmidt, Peter
Watters, DavidGrassie, Anne
Jones, Laura
Spainhower, Dale**SULLIVAN**Cloutier, John
and the majority committee report was adopted.
Referred to the Committee on Finance.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

HJR 4, prohibiting the implementation of certain rules of the board of medicine. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Peter B. Schmidt for the Majority of Executive Departments and Administration: This joint resolution seeks to address alleged deficiencies in the board of medicine's procedures with regard to the retention and/or disclosure of confidential information, in the view of a majority of the joint legislative committee on administrative rules. After consideration, analysis and discussion by the committee, a strong bi-partisan majority concluded that the remedies proposed in the HJR are themselves defective and unworkable and that the board of medicine's policy regarding disclosure of confidential information, to which the JLCAR majority objected and seeks to enjoin, is in fact specifically authorized by the existing relevant statute. As to the retention of confidential information by the board, the administrator testified before the JLCAR that once a determination has been made by the board that allegations of misconduct are not supported by the facts, that the records are destroyed as soon as possible, as storage space for records is very scarce. Vote 8-4.

Rep. Kenneth Hawkins for the Minority of Executive Departments and Administration: The minority of the committee asserts that the board of medicine rules present a serious risk of inconsistent treatment in cases of physician's errors or omissions. By leaving the extent of discipline, or the release of confidential records to law enforcement or other regulatory bodies, solely to the Board's

discretion, with no guidance or criteria specified in statutes or rules, they make it impossible to ensure equal justice. While the board has not yet demonstrated grievously inconsistent actions, that is due to their institutional memory and good luck. The Board has steadfastly refused to clarify its judgmental criteria in writing. JLCAR has struggled with this issue for over a year and has been unable to convince it to document its processes. A joint resolution is necessary to enforce legislative intent on a recalcitrant board.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Manuse spoke against and yielded to questions.

Reps. Soltani and Bowers spoke against.

Rep. Peter Schmidt spoke in favor and yielded to questions.

On a division vote, 89 members having voted in the affirmative and 247 in the negative, the majority committee report failed.

Rep. Bettencourt moved the minority committee report of Ought to Pass.

Minority committee report adopted and ordered to third reading.

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association. OUGHT TO PASS WITH AMENDMENT.

Rep. Randall A. Whitehead for Executive Departments and Administration: This bill correctly returns any New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA) excess funds to the policyholders, whose contributions result in any surplus funds. The state shall not, in any way, take such funds for any purpose. This bill also requires a reserve of \$25,000,000 for the payment of any federal tax liability. Furthermore, funds that cannot be distributed to a policyholder shall revert to the NHMMJUA to provide grants in aid to health care providers servicing medically underserved populations to assist in the NHMMJUA coverage. This bill requires that the NHMMJUA policyholders, the insurance commissioner and the NHMMJUA would jointly approach the United States IRS to obtain a closing agreement to determine whether the NHMMJUA has any federal tax liabilities arising from excess premiums paid. The committee amendment clarifies that any payments are taxable to the recipient and creates a study committee to determine the proper structure for the JUA going forward. Vote 14-3.

Amendment (1544h)

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose. The general court finds that the New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA) is an insurance plan funded in the first instance by premiums paid by policyholders. Since 1986, the NHMMJUA has amassed more funds through premium payments than is necessary to sustain operations. Return premiums should be issued to all policyholders who have contributed to the current surplus of funds.

Amend RSA 404-C:14, I as inserted by section 2 of the bill by replacing it with the following:

I. Notwithstanding any provision of law to the contrary, no officer or agent of the state shall take or transfer, through taxation of the New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA) or otherwise, any funds held by the NHMMJUA on the effective date of this section in a manner inconsistent with this section. Nothing in this section shall preclude the collection of applicable state taxes, if any, owed by policyholders as a result of the return of funds referenced in this section.

Amend RSA 404-C:14 as inserted by section 2 of the bill by inserting after paragraph VI the following new paragraph:

VII.(a) Independent of the mandates of paragraphs I through VI, inclusive, which are intended to resolve historical matters, there is also established a commission to study the future of the NHMMJUA.

(b) The members of the commission shall be as follows:

(1) Two members of the senate, appointed by the president of the senate.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(3) One representative of the New Hampshire Medical Society who is or has been a policyholder of the NHMMJUA, appointed by the society.

(4) One representative of the New Hampshire Association of Domestic Insurance Companies, appointed by the association.

(5) One member of the current NHMMJUA board of directors, appointed by the board.

(6) The insurance commissioner, or designee.

(c) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

(d) The commission shall study the NHMMJUA for the purpose of making recommendations for proposed legislation concerning its future, form, and function. The commission may solicit information from any person the commission deems relevant to its study.

(e) The members of the commission shall elect a chairperson from among the members at the first meeting. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. A majority of the members of the commission shall constitute a quorum.

(f) The commission shall report its findings and any recommendations for proposed legislation to the president of the senate and the speaker of the house of representatives on or before December 1, 2011.

Amend the bill by replacing all after section 2 with the following:

3 Repeal. RSA 404-C:14, VII, relative to commission to study the future of the NHMMJUA, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect December 31, 2011.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Declares that the state shall not take or transfer, through taxation or otherwise, any funds now held by the New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA).

II. Requires the NHMMJUA, the insurance commissioner, and a representative of NHMMJUA policyholders to jointly approach the Internal Revenue Service to resolve any federal tax liability arising from excess surplus funds.

III. Establishes a commission to study the future of the NHMMJUA.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Peter Schmidt spoke against.

Reps. Whitehead and Hansen spoke in favor.

On a division vote, 252 members having voted in the affirmative and 63 in the negative, the committee report was adopted.

Referred to the Committee on Ways and Means.

SB 93, relative to pharmacist administration of vaccines. **OUGHT TO PASS.**

Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs: This bill authorizes pharmacists to administer pneumococcal and varicella zoster vaccine (shingles) in addition to influenza. The bill requires administering pharmacists to meet certain requirements and certifications as well as provide documented record keeping to be shared with the patient's primary physician. Vote 13-3. Committee report adopted.

Referred to the Committee on Commerce and Consumer Affairs.

SB 154-FN, reforming and renaming the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher J. Ahlgren for Resources, Recreation and Development: This bill is a major rework of the comprehensive shoreland protection act. It also gives it a more definitive name, the shoreland water quality protection act. This major environmental act was established in 1991 to protect surface waters of the state. This bill addresses the concerns of landowners who felt the original bill was too unwieldy and needlessly infringing on property rights. The shoreland advisory committee, established in RSA 483-B:21, recently held its first meeting and will continue to review and comment, for any future legislation, on policies and programs relating to this act. SB 154 is just the first important step in the process of reform required to ensure a balance between appropriate environmental protection and property rights of the citizens of New Hampshire. Passage of this bill is a win for landowners, having simplified compliance standards, reduced fees and adding a permit by notification process that allows construction to proceed after ten days on minor projects. Vote 16-0.

Amendment (1578h)

Amend the bill by replacing sections 13 and 14 with the following:

13 Enforcement by Commissioner; Duties; Woodland Buffer. Amend RSA 483-B:5, II to read as follows:

II. The commissioner or his *or her* designee may, for cause, enter upon any *subject* land or parcel at any reasonable time *after written notification* to perform oversight and enforcement duties provided for in this chapter.

14 Permit Required; Exemption. Amend RSA 483-B:5-b, I to read as follows:

I.(a) No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter. *Projects which have no impact on water quality and which follow department rules shall qualify for a permit by notification. The owner may proceed with the proposed project immediately upon receipt of written notice from the department that a complete and accepted notification has been received by the department. A notification shall be complete and accepted provided it meets or exceeds all of the minimum standards under RSA 483-B:9, includes a notification form signed by the owner of property, the name and address of the property owner, the address of the site on which the work will occur, the name of the jurisdictional waterbody, the tax map and lot number on which the proposed work will occur, plans clearly and accurately depicting the work to be completed relative to the reference line of the jurisdictional waterbody, photographs of the area to be impacted, and identification of those project criteria listed below that would qualify the project for a permit by notification. Such project criteria shall include:*

(1) *Construction, excavation, and filling, or other activity that impacts less than 1,500 square feet and adds no more than 900 square feet of impervious area within a protected shoreland area.*

(2) *Construction, excavation, and filling, directly related to stormwater management improvements and erosion control projects or environmental restoration or enhancement projects.*

(3) *Maintenance, repairs, and improvements of public utilities, public roads, and public access facilities.*

(4) *Any similar activities defined as qualified for a permit by notification by rules of the department.*

(b) The permit application fee shall be \$100 plus \$.10 per square foot of area affected by the proposed activities and shall be deposited in the wetlands and shorelands review fund established under RSA 482-A:3, III. Such fees shall be capped as follows:

(1) For projects that qualify for permit by notification under *this paragraph* and RSA 483-B:17, X, \$100 for restoration of water quality improvement projects and \$250 for all other permit by notification projects.

(2) For projects of 0-9,999 square feet, *that do not qualify for a permit by notification*, \$750.

(3) For projects of 10,000-24,999 square feet, \$1,875.

(4) For projects of 25,000 square feet or more, \$3,750.

(c) *If the application is denied after relying on the recommendations of the department, the application fee shall be refunded to the applicant within 30 days of such denial.*

Amend RSA 483-B:5-b, V(d) as inserted by section 16 of the bill by replacing it with the following:

(d) *Within 5 business days of receipt of a permit by notification filing, the department shall issue a written notice to the property owner or agent stating that the notification has either been accepted or rejected. If the department does not respond within the 5-day period, the property owner or agent may submit to the department a written request for a response. A request submitted electronically by the applicant shall constitute a written request provided that the applicant has previously agreed to accept electronic communication. If the department fails to respond to the written request within an additional 5 days the property owner or agent shall be deemed to have a permit by notification and may proceed with the project as presented in the notification filing. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relative to water quality.*

Amend RSA 483-B:5-b,V(e)(4) as inserted by section 16 of the bill by replacing it with the following:

(4) Upon receipt of a written request from an applicant, the department shall issue written confirmation that the applicant has a permit by default pursuant to subparagraph [(d)] (e)(3), which

authorizes the applicant to proceed with the project as presented in the application and requires the work to comply with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

Amend the bill by replacing section 17 with the following:

17 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, II(d) to read as follows:

(d) No fertilizer, except limestone, shall be applied to vegetation or soils located within 25 feet of the reference line of any public water. *Beyond 25 feet, [low phosphate, slow release nitrogen fertilizer or limestone,] slow or controlled release fertilizer, as defined by rules adopted by department, may be used [on areas beyond 25 feet from the reference line].*

Amend RSA 483-B:9, V(a)(2)(C) as inserted by section 18 of the bill by replacing it with the following:

(C) No natural ground cover shall be removed except as necessary for a foot path to water and access ways as provided under RSA 483-B:9, V(a)(2)(D), *(viii) and* (ix), for normal maintenance, to protect the waterfront buffer, cutting those portions that have grown over 3 feet in height for the purpose of providing a view, to provide access to natural areas or shoreline, or as specifically approved by the department, pursuant to RSA 482-A or RSA 483-B.

Amend RSA 483-B:9, V(a)(2)(D)(iv) as inserted by section 18 of the bill by replacing it with the following:

(iv) If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees, saplings, and shrubs over 3 feet in height may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 50 points. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees and saplings, such as areas of rock, ledge, or beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas including the planting of additional non-invasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this paragraph.

Amend the bill by replacing section 27 with the following:

27 Permit Application Fees; Effective Date. Amend 2008, 5:28, II to read as follows:

II. Section 27 of this act shall take effect July 1, [2011] **2016**.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

SB 58-FN-A, adding qualified community development entities to the definition of “qualified investment company” under the business profits tax and the business enterprise tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary S. Azarian for Ways and Means: This bill adds qualified community development entities to the definition of “qualified investment company” under the BPT and BET. The bill clarifies that a New Hampshire resident investor in a qualified investment company is only taxed on his or her proportionate share of interest and dividend income earned by the qualified investment company. The bill also clarifies tax treatment of capital gains earned by holders of ownership interests in qualified investment companies, mutual funds and unit investment trust. More importantly, the bill will entice greater investment into New Hampshire by offering tax credits on projects in distressed areas through federal new market tax credits. These credits keep down the cost of projects especially in distressed areas and are implemented by the business finance authority. Vote 20-0.

Amendment (1580h)

Amend RSA 77-A:1, XXI(a)(4) as inserted by section 2 of the bill by replacing it with the following:

(4) A qualified community development entity as defined in section 45D of the United States Internal Revenue Code, which entity is owned, controlled, or managed, directly or indirectly, by the business finance authority of the state of New Hampshire.

Amend the bill by replacing all after section 3 with the following:

4 Taxation of Income; What Taxable. RSA 77:4, V is repealed and reenacted to read as follows:

V. Amounts reported and taxed federally as dividends or interest to a holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI, a mutual fund, or a unit investment trust.

5 Taxation of Income; Dividends Earned on Certain Mutual Funds and Distributions Received on Unit Investment Trusts Not Taxable. RSA 77:4-d is repealed and reenacted to read as follows:

77:4-d Special Rule for Qualified Investment Companies, Mutual Funds, and Unit Investment Trusts. Notwithstanding any other provision of RSA 77:4, the following income items shall not be treated as dividends or interest income taxable under this chapter:

I. Amounts accruing to the holder of an ownership interest in a qualified investment company, as defined in RSA 77-A:1, XXI, or a mutual fund or investment income earned or distributions received by the holder of an ownership interest in a unit investment trust, which qualified investment company, mutual fund, or unit investment trust invests solely in New Hampshire tax-exempt tax anticipation notes, bond anticipation notes, and other instruments exempt under New Hampshire law.

II. Amounts reported and taxed federally as capital gains to the holder of an ownership interest in a qualified investment company, as defined in RSA 77-A:1, XXI, a mutual fund, or a unit investment trust.

6 Applicability. Sections 1-3 of this act shall apply to taxable periods ending on or after December 31, 2010. Sections 4 and 5 of this act shall apply to taxable periods beginning on or after January 1, 2011.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill adds qualified community development entities to the definition of “qualified investment company” under the business profits tax and the business enterprise tax. The bill clarifies that a New Hampshire resident investor in a qualified investment company is only taxable on his or her proportionate share of interest and dividend income earned by the qualified investment company.

The bill also adds a special rule to clarify tax treatment of capital gains earned by holders of ownership interests in qualified investment companies, mutual funds, and unit investment trusts. Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Cohn requested a roll call; sufficiently seconded.

YEAS 281 NAYS 47

YEAS 281

BELKNAP

Accomero, Harry	Bolster, Peter	Fields, Dennis	Greemore, Robert
Kingsbury, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Marrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Umberger, Karen

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Cartwright, Anne
Chase, Cynthia	Dwinell, Richard	Emerson, Susan	Hawkes, Samuel
Hunt, John	Johnsen, Gladys	Johnson, Jane	Moore, Charles
Parkhurst, Henry	Sad, Tara	Smith, Edwin	Sterling, Franklin Jr
Weber, Lucy	Weed, Charles		

COOS

Daugherty, Duffy	Hatch, William	Rappaport, Laurence	Remick, William
Richardson, Herbert	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne
Tremblay, Marc			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Brosseau, Charles
Bulis, Lyle	Cooney, Mary	Gould, Franklin	Harding, Laurie

Ingbretson, Paul
Shackett, Jeffrey
Taylor, Kathleen

Nordgren, Sharon
Simard, Paul
Townsend, Charles

Pastor, Beatriz
Sorg, Gregory

Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Belvin, William
Brunelle, Michael
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
Mecheski, Holly
Ohm, Bill
Porter, Marjorie
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Coffey, James
Daniels, Gary
Drisko, Richard
Gimas, John
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Levasseur, Nickolas
Messier, Irene
Palmer, Barry
Pratt, Calvin
Robbins, David
Scontsas, Lisa
Soucy, Connie
Sullivan, Daniel
Twombly, Timothy
Willette, Robert

Barry, Richard
Brown, Kevin
Cebrowski, John
Condra, William
Day, Russell
Erickson, Duane
Goley, Jeffrey
Haefner, Robert
Hikel, John
Hopper, Gary
Judy, Jean
McCarthy, Michael
Moran, Edward
Pellegrino, Tony
Proulx, Mark
Rokas, Ted
Seidel, Carl
Souza, Kathleen
Summers, James
Ulery, Jordan

Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Cote, David
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
McClarren, Donald
Murphy, Keith
Pilotte, Maurice
Ramsey, Peter
Rosenwald, Cindy
Shaw, Barbara
Stepanek, Stephen
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Gary
Soltani, Tony
Winter, Steven

Bouchard, Candace
Foote, Robert
Hess, David
Lindsley, Mark
Palfrey, David
Sanborn, Laurie
Wallner, Mary Jane

Coffey, Jennifer
Frazer, June
Keane, Thomas
MacKay, James
Patten, Dick
Shurtleff, Stephen
Watrous, Rick

Deloge, Helen
Gile, Mary
Kotowski, Frank
McDonnell, John
Potter, Frances
Smith, Molly
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
MacMahon, Bruce
Moody, Marcia
O'Connor, John
Quandt, Matt
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Tucker, Pamela
Welch, David

Antosz, Jason
Belanger, Ronald
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Pantelakos, Laura
Read, Robin Jr
Ritter, Glenn
Sedensky, John
Smith, William
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Nevins, Chris
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Serlin, Christopher
Sytek, John
Waterhouse, Kevin

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
McMahon, Charles
Norelli, Terie
Quandt, Marshall
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Tamburello, Daniel
Webb, James

STRAFFORD

Andolina, Donald
Domingo, Baldwin

Brown, Julie
Ginsburg, Philip

Browne, Brendon
Groen, Warren

Cataldo, Sam
Horrigan, Timothy

Keans, Sandra
Newton, Clifford
Wall, Janet

Larsen, Kirsten
O'Connor, William
Watters, David

Leonard, Frederick Jr
Schmidt, Peter
Weeden, Michael

Munck, Philip
Spang, Judith

SULLIVAN

Bowers, Spec
Howard, Thomas
Lovett, Charlene

Cloutier, John
LaCasse, Paul Sr
Osgood, Joe

Cunningham, Steven
Laware, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Lefebvre, Benjamin
Smith, Steven

NAYS 47

BELKNAP

Comtois, Guy

CARROLL

Tregenza, Norman

CHESHIRE

Roberts, Kris

COOS

Merrick, Evalyn

GRAFTON

Gionet, Edmond

White, Andrew

HILLSBOROUGH

Avard, Kevin
DeJong, Cameron
Long, Patrick
Ober, Lynne
Peterson, Lenette
Warden, Mark

Baroody, Benjamin
Fredette, Robert
Maltz, Jonathan
Ober, Russell III
Rhodes, Brian

Boehm, Ralph
Gandia, Laura
McGuinness, Sean
Palmer, Stephen
Simmons, Tammy

Burt, John
Lambert, George
Notter, Jeanine
Parison, James
Vaillancourt, Steve

MERRIMACK

Cohn, Seth
Richardson, Jon

Hoell, J.R.
Seaworth, G. Brian

Lauer-Rago, Kathleen

McGuire, Dan

ROCKINGHAM

Allen, Mary
Powers, James

Comerford, Timothy
Tremblay, Stella

Manuse, Andrew

Okerman, Richard

STRAFFORD

DeLemus, Susan
Spainhower, Dale

Jones, Kyle
Vita, Carol

Jones, Laura
Vita, Lucien

Parsons, Robbie

SULLIVAN

Schmidt, Andrew

and the committee report was adopted.
Referred to the Committee on Finance.

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Norman L. Major for the Majority of Ways and Means: The line-item veto is a tool used by 43 states as a mechanism to reduce spending. This bill would give the governor the ability to identify specific line items in the state budget for reductions. The legislature would then have the opportunity to override these vetoes and restore this funding, if appropriate. This is a common sense tool to deliver limited government and to protect New Hampshire's taxpayers. In an era of overspending,

this is an important measure to bring fiscal discipline back to state government. If this CACR were passed it would go on the 2012 general election ballot, where it would require a 2/3rd vote of the public to become part of the state budget. Vote 14-5.

Rep. Christine C. Hamm for the Minority of Ways and Means: This resolution violates a long-standing principle of New Hampshire government, as the state's constitution was created with the deliberate intention of reducing absolute control of the governor by providing that executive powers be shared among him/her and a five-person Executive Council. This resolution, on the other hand, would remove that oversight by giving the governor sole power to make line item reductions, even removals, in any bill making major appropriations of money, thus distorting the original principle by allowing one person rather than six to make the state's most significant financial decisions. It should be noted that this not only diminishes the authority of the Executive Council but also greatly reduces the power of the 424 elected members of the legislative branch. While it may be argued that constitutional amendments should go to the voters to be decided upon, if that principle were followed to its logical conclusion, the legislature could defer voting on any legislation and instead pass it along to the voters to decide. The fact is when New Hampshire voters elect their representatives, indeed the most representative body in all 50 states, they do so with the expectation that their elected delegates will assume the responsibility to make such decisions.

LAID ON THE TABLE

Rep. Stepanek moved that *CACR 5*, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money, be laid on the table.

On a division vote, 293 members having voted in the affirmative and 33 in the negative, the motion was adopted by the necessary three-fifths vote.

BILLS REMOVED FROM THE CONSENT CALENDAR

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: Many companies choose to use employee leasing companies to run and organize human resources functions. The study committee will study the procurement of health insurance by these leasing companies, including whether these companies should be exempt from the rating requirements and other standards for small employer coverage. The committee agrees with this need. Vote 18-0.

Amendment (1479h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to employee leasing companies.

Amend the bill by replacing all after the enacting clause with the following:

1 Employee Leasing Deemed Co-Employment. Amend RSA 277-B:9, I (a) to read as follows:

(a) Paying wages to leased employees. The employee leasing company may rely on initial hiring documentation of wages, ongoing pay change documentation, and reported payroll documentation regarding hours worked or other measured unit of employee compensation received from the client company. ~~[Notification shall be made in compliance with the signed notice as required by regulations issued by the department.]~~ ***An employee leasing company shall not knowingly rely on materially inaccurate information provided under this paragraph.***

2 Employee Leasing Deemed Co-Employment. Amend RSA 277-B:9, II(d)-(f) to read as follows:

(d) Providing accurate personnel and payroll information, and a record of hours and wages to the employee leasing company and department of labor when requested, as a co-employer on all leased employees as required of employers under RSA 279:27. ***Notification shall be made in compliance with the signed notice as required by rules adopted by the department.***

(e) Complying with all wage and hour laws, including recordkeeping requirements and determinations of exempt and non-exempt status.

(f) Providing a safe workplace to the employees free of all hazards in compliance with the Occupational Safety and Health Act of 1970 and regulations or any similar law. ***This shall include sole responsibility for compliance with the requirements of RSA 281-A:64 and similar requirements or regulations.***

3 Employee Leasing Deemed Co-Employment. Amend RSA 277-B:9, III to read as follows:

III. The employee leasing company shall notify the commissioner of employment security and the commissioner of the department of labor in writing of all new and terminated client companies within [†0] **20 business** days of engagement or termination.

4 Employee Benefits and Other Insurance. RSA 277-B:11, I and II are repealed and reenacted to read as follows:

I. An employee leasing company and a client shall each be deemed an employer under the laws of this state for the purposes of sponsoring employee welfare and retirement plans for its leased employees. Nothing in this section shall require an employee leasing company to provide comparable benefits to employees located at different work sites.

II.(a) An employee leasing company that provides health insurance benefits to its leased employees shall only provide such benefits through a fully- insured policy issued by an insurance carrier admitted to write such coverage in this state. Any such fully-insured welfare benefit plan offered to leased employees of a single employee leasing company shall be treated for purposes of state regulation as a single employer welfare benefit plan and for purposes of RSA 420-G, an employee leasing company that has employed on average at least 51 leased employees on business days during the previous calendar quarter shall be treated as a large employer.

(b) A fully-insured welfare benefit plan under this paragraph shall be exempt from any licensing requirements pursuant to RSA 420-L or 415-E.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies the procedures for employee benefits and other insurance for employee leasing companies.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with amendment.

Reps. Pilotte and Hunt spoke in favor.

Committee report adopted and ordered to third reading.

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek. **OUGHT TO PASS.** Rep. Peter E. Ramsey for Public Works and Highways: The majority of the committee endorses the concept of naming the Manchester Airport Access Road, Raymond Wieczorek Drive. District 4 Executive Councilor Wieczorek has spent his entire life serving the public, as a U.S. Army Korean War Veteran, serving on over 20 non-profit and charitable groups, Commissioner of Manchester Housing and Redevelopment Authority, Mayor of the City of Manchester for 5 terms, Manchester Airport expansion, Verizon Wireless Arena, redevelopment of Manchester's historic Millyard, named Greater Manchester Chamber of Commerce Citizen of the year 1999. The committee feels that his many lifelong accomplishments and kind spirit is deserving of this wonderful honor. The committee vote of 13-2 is highly supportive, considering that Public Works members have a long history of attempting to avoid honoring living citizens with naming honors. The two votes in opposition to this measure reflect this position, not an opinion on the subject matter. The department of transportation has indicated that there would be no financial impact. Vote 13-2.

Rep. Bowers spoke against.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Baroody spoke in favor.

Rep. Manuse spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Tamburello moved that **SB 195**, naming the Manchester Airport Access Road for Raymond Wieczorek, be laid on the table.

Rep. Ramsey requested a roll call; sufficiently seconded.

YEAS 150 NAYS 163

YEAS 150

BELKNAP

Accornero, Harry
Luther, Robert

Comtois, Guy
Pilliod, James

Greemore, Robert
Swinford, Elaine

Kingsbury, Robert
Tobin, William

CARROLL

Babson, David Jr	Pettengill, Laurie	Scala, Dino	Tregenza, Norman
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CHESHIRE

Cartwright, Anne	Chase, Cynthia	Johnson, Jane	Moore, Charles
Parkhurst, Henry	Roberts, Kris	Weber, Lucy	

COOS

Daugherty, Duffy	Merrick, Evalyn	Rappaport, Laurence	Theberge, Robert
Tremblay, Marc			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Brosseau, Charles
Bulis, Lyle	Cooney, Mary	Gionet, Edmond	Gould, Franklin
Nordgren, Sharon	Pastor, Beatriz	Simard, Paul	Sorg, Gregory
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Belanger, James	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brunelle, Michael	Buxton, Michael
Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris	DeJong, Cameron
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gandia, Laura
Hansen, Peter	Hardwick, Harry	Hogan, Edith	Krasucki, Joseph
Kurk, Neal	LeBrun, Donald	Maltz, Jonathan	McGuinness, Sean
Murphy, Keith	Notter, Jeanine	Ober, Russell III	Ohm, Bill
Palmer, Barry	Parison, James	Peterson, Lenette	Pilotte, Maurice
Renzullo, Andrew	Rokas, Ted	Scotsas, Lisa	Shaw, Barbara
Simmons, Tammy	Soucy, Connie	Souza, Kathleen	Summers, James
Swank, Matthew	Thomas, Joseph	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark			

MERRIMACK

Cohn, Seth	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Hoell, J.R.	Keane, Thomas	Lauer-Rago, Kathleen
Lindsley, Mark	McGuire, Carol	Palfrey, David	Patten, Dick
Potter, Frances	Richardson, Gary	Richardson, Jon	Shurtleff, Stephen
Wallner, Mary Jane	Winter, Steven		

ROCKINGHAM

Abrami, Patrick	Baldasaro, Alfred	Brown, Paul	Cali-Pitts, Jacqueline
Comerford, Timothy	Copeland, Timothy	Davenport, Joshua	Duarte, Joe
Elliott, Robert	Gould, Kenneth	Kolodziej, Walter	MacMahon, Bruce
Major, Norman	Moody, Marcia	Murphy, Brian	Okerman, Richard
Pantelakos, Laura	Powers, James	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Schlachman, Donna	Serlin, Christopher
Shuler, Wyman III	Smith, William	Tamburello, Daniel	Tasker, Kyle
Tremblay, Stella	Webb, James		

STRAFFORD

Andolina, Donald	Domingo, Baldwin	Horrigan, Timothy	Jones, Kyle
Jones, Laura	Keans, Sandra	Larsen, Kirsten	Leonard, Frederick Jr
Munck, Philip	O'Connor, William	Spang, Judith	Vita, Lucien

SULLIVAN

Cloutier, John	Gagnon, Raymond	Howard, Thomas	Lovett, Charlene
Schmidt, Andrew	Smith, Steven		

NAYS 163**BELKNAP**

Bolster, Peter
Simpson, Tyler

Fields, Dennis
St. Cyr, Jeffrey

Malone, Robert
Tilton, Franklin

Russell, David
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Umberger, Karen

Chandler, Gene
McConkey, Mark

Fleck, Joseph
Merrow, Harry

Knox, J. David
Patten, Betsey

CHESHIRE

Butynski, William
Hawkes, Samuel
Smith, Edwin

Byrnes, John
Hunt, John
Sterling, Franklin Jr

Dwinell, Richard
Johnsen, Gladys
Weed, Charles

Emerson, Susan
Sad, Tara

COOS

Hatch, William
Thomas, Yvonne

Remick, William

Richardson, Herbert

Tholl, John Jr

GRAFTON

Harding, Laurie

Reilly, Harold Sr

Sova, Charles

HILLSBOROUGH

Baroody, Benjamin
Burt, John
Cusson-Cail, Kathleen
Donovan, Daniel
Gonzalez, Carlos
Hawkins, Kenneth
Hopper, Gary
Jeudy, Jean
McCarthy, Michael
Ober, Lynne
Pratt, Calvin
Rowe, Robert
Stroud, Kathleen
Whitehead, Randall

Barry, J. Gail
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Graham, John
Hikel, John
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Palmer, Stephen
Proulx, Mark
Seidel, Carl
Sullivan, Daniel
Willette, Robert

Belvin, William
Coffey, James
Day, Russell
Gagne, Larry
Greazzo, Phil
Hinch, Richard
Infantine, William
Levasseur, Nickolas
Messier, Irene
Pellegrino, Tony
Ramsey, Peter
Silva, Peter
Twombly, Timothy

Brownrigg, Randall Jr
Condra, William
Doherty, Shaun
Goley, Jeffrey
Haefner, Robert
Holden, Frank
Jasper, Shawn
Long, Patrick
Moran, Edward
Pepino, Leo
Rhodes, Brian
Stepanek, Stephen
Ulery, Jordan

MERRIMACK

Blankenkaker, Lynne
Hess, David
McDonnell, John
Smith, Molly

Bouchard, Candace
Kotowski, Frank
McGuire, Dan
Soltani, Tony

Coffey, Jennifer
Kreis, Kenneth Sr
Sanborn, Laurie

Giuda, J. Brandon
MacKay, James
Seaworth, G. Brian

ROCKINGHAM

Allen, Mary
Belanger, Ronald
DeSimone, Debra
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
McMahon, Charles
Quandt, Matt
Sheffert, Kenneth
Waterhouse, Kevin

Antosz, Jason
Bettencourt, David
Devine, James
Garrity, James
Hoelzel, Kathleen
Lovejoy, Patricia
Nevins, Chris
Sanders, Elisabeth
Sytek, John
Welch, David

Azarian, Gary
Birdsell, Regina
Dowling, Patricia
Griffin, Mary
Introne, Robert
Manuse, Andrew
O'Connor, John
Sapareto, Frank
Tucker, Pamela
Weyler, Kenneth

Bates, David
Chirichiello, Brian
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
McKinney, Betsy
Quandt, Marshall
Sedensky, John
Ward, Joanne

STRAFFORD

Brown, Julie	Cataldo, Sam	DeLemus, Susan	Ginsburg, Philip
Groen, Warren	Newton, Clifford	Parsons, Robbie	Schmidt, Peter
Spainhower, Dale	Vita, Carol	Wall, Janet	Watters, David
Weeden, Michael			

SULLIVAN

Bowers, Spec	Cunningham, Steven	LaCasse, Paul Sr	Laware, Thomas
Lefebvre, Benjamin	Osgood, Joe	Rodeschin, Beverly	
and the motion failed.			

The question now being adoption of the committee report of Ought to Pass.

Reps. Gonzalez and Infantine spoke in favor.

Rep. Infantine requested a roll call; sufficiently seconded.

YEAS 201 NAYS 111**YEAS 201****BELKNAP**

Accornero, Harry	Bolster, Peter	Fields, Dennis	Greemore, Robert
Luther, Robert	Malone, Robert	Pilliod, James	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Tilton, Franklin	Tobin, William
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Umberger, Karen			

CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Dwinell, Richard
Emerson, Susan	Hawkes, Samuel	Hunt, John	Johnsen, Gladys
Johnson, Jane	Moore, Charles	Sad, Tara	Smith, Edwin
Sterling, Franklin Jr	Weed, Charles		

COOS

Hatch, William	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc	

GRAFTON

Almy, Susan	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Gould, Franklin	Harding, Laurie	Ingretson, Paul	Reilly, Harold Sr
Shackett, Jeffrey	Sova, Charles	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Belvin, William	Burt, John
Cebrowski, John	Christiansen, Lars	Coffey, James	Condra, William
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	Doherty, Shaun
Donovan, Daniel	Flanagan, Jack	Gagne, Larry	Gargasz, Carolyn
Goley, Jeffrey	Gonzalez, Carlos	Graham, John	Greazzo, Phil
Haefner, Robert	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Judy, Jean	Kurk, Neal
Lambert, George	Levasseur, Nickolas	Long, Patrick	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Messier, Irene	Moran, Edward
Murphy, Keith	Notter, Jeanine	Palmer, Barry	Palmer, Stephen
Pellegrino, Tony	Pepino, Leo	Pratt, Calvin	Proulx, Mark

Ramsey, Peter
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan

Renzullo, Andrew
Shaw, Barbara
Stroud, Kathleen
Whitehead, Randall

Rhodes, Brian
Silva, Peter
Sullivan, Daniel

Rowe, Robert
Souza, Kathleen
Twombly, Timothy

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Palfrey, David
Soltani, Tony

Coffey, Jennifer
Hess, David
McDonnell, John
Sanborn, Laurie

Cohn, Seth
Kotowski, Frank
McGuire, Carol
Shurtleff, Stephen

Foose, Robert
Lindsley, Mark
McGuire, Dan
Smith, Molly

ROCKINGHAM

Allen, Mary
Bettencourt, David
Devine, James
Fesh, Robert
Griffin, Mary
Introne, Robert
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Quandt, Matt
Sedensky, John
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Dowling, Patricia
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Pantelakos, Laura
Reichard, Kevin
Smith, William
Waterhouse, Kevin

Bates, David
Chirichiello, Brian
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Powers, James
Sanders, Elisabeth
Sytek, John
Welch, David

Belanger, Ronald
DeSimone, Debra
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Sapareto, Frank
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Spainhower, Dale

Brown, Julie
Munck, Philip
Wall, Janet

Cataldo, Sam
Newton, Clifford
Watters, David

DeLemus, Susan
Parsons, Robbie
Weeden, Michael

SULLIVAN

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Schmidt, Andrew

Lefebvre, Benjamin

NAYS 111

BELKNAP

Comtois, Guy

Kingsbury, Robert

Swinford, Elaine

CARROLL

Babson, David Jr

Pettengill, Laurie

Scala, Dino

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Parkhurst, Henry

Roberts, Kris

Weber, Lucy

COOS

Daugherty, Duffy

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Pastor, Beatriz

Benn, Bernard
Simard, Paul

Cooney, Mary
Sorg, Gregory

Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Champagne, Norma
Erickson, Duane
Hogan, Edith

Balboni, Michael
Brown, Kevin
Christensen, D.L. Chris
Fredette, Robert
Krasucki, Joseph

Belanger, James
Brownrigg, Randall Jr
DeJong, Cameron
Gandia, Laura
LeBrun, Donald

Bergevin, Jerry
Buxton, Michael
Drisko, Richard
Hansen, Peter
Maltz, Jonathan

Ohm, Bill
Rokas, Ted
Summers, James
Villeneuve, Moe

Parison, James
Scotsas, Lisa
Swank, Matthew
Warden, Mark

Peterson, Lenette
Simmons, Tammy
Thomas, Joseph
Willette, Robert

Pilotte, Maurice
Soucy, Connie
Vaillancourt, Steve

MERRIMACK

Blankenkaker, Lynne
Hoell, J.R.
Patten, Dick
Seaworth, G. Brian

Deloge, Helen
Keane, Thomas
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Kreis, Kenneth Sr
Richardson, Gary
Winter, Steven

Giuda, J. Brandon
Lauer-Rago, Kathleen
Richardson, Jon

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Moody, Marcia
Ritter, Glenn
Shuler, Wyman III
Webb, James

Antosz, Jason
Copeland, Timothy
Okerman, Richard
Schlachman, Donna
Tamburello, Daniel

Baldasaro, Alfred
Davenport, Joshua
Reagan, John
Serlin, Christopher
Tasker, Kyle

Brown, Paul
Kolodziej, Walter
Rice, Frederick
Sheffert, Kenneth
Tremblay, Stella

STRAFFORD

Domingo, Baldwin
Jones, Laura
O'Connor, William

Ginsburg, Philip
Keans, Sandra
Spang, Judith

Horrigan, Timothy
Larsen, Kirsten
Vita, Carol

Jones, Kyle
Leonard, Frederick Jr
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cloutier, John
Smith, Steven

Gagnon, Raymond

Howard, Thomas

and the committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Chandler moved that the House reconsider its actions whereby, on a roll call vote of 201-111, it adopted the committee report of Ought to Pass on **SB 195**, naming the Manchester Airport Access Road for Raymond Wieczorek.

Rep. Chandler spoke against.

Motion failed.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

SB 75-FN, relative to clarification of part-time service in the state retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward P. Moran for Special Committee on Public Employee Pensions Reform: This bill, as amended, defines part-time employment for the New Hampshire Retirement System. It sets the maximum hours to 1,300 per year to qualify as part-time for both Group I and Group II. It prohibits retired members from returning and collecting both a pension and full pay (double dipping). It also eliminates the option of a person to not participate in the NHRS for unclassified employees. Vote 13-0.

Amendment (1577h)

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Definition Added; Part-time Employment. Amend RSA 100-A:1 by inserting after paragraph XXXIII the following new paragraph:

XXXIV. "Part-time," for purposes of employment of a member, means employment by an employer depending on the group classification of the employment as follows:

(a) For group I in no instance shall part-time employment of the member exceed 1,300 hours in a calendar year.

(b) For group II in no instance shall part-time employment of the member exceed 1,300 hours in a calendar year.

3 Membership; Optional. Amend the introductory paragraph of RSA 100-A:3, I(a) to read as follows:

I.(a) Any person who becomes an employee, teacher, permanent policeman, or permanent fireman after the date of establishment, working in a position for an employer under this chapter as determined by common law standards, shall become a member of the retirement system as a condition of employment; except that membership shall be optional in the case of *persons who commenced service prior to July 1, 2008 who are* elected officials, officials appointed for fixed terms, [~~unclassified state employees;~~] or those employees of the general court who are eligible for membership in the retirement system. Elected officials and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:

4 Restoration to Service; Limited to Part-time. RSA 100-A:7 is repealed and reenacted to read as follows:

100-A:7 Service After Retirement; Part-time. No employer shall employ a member in other than a part-time position after the member's retirement pursuant to this chapter.

5 Effective Date.

I. Sections 2-4 of this act shall take effect July 1, 2011.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill defines part time employment for purposes of the New Hampshire retirement system and prohibits members in retirement from returning to full-time employment. The bill also modifies optional membership in the retirement system.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Reps. James Belanger and Hawkins spoke in favor.

Rep. Bergevin spoke against and yielded to questions.

On a division vote, 276 members having voted in the affirmative and 29 in the negative, the committee report was adopted.

Referred to the Committee on Finance.

MOTION TO SUSPEND HOUSE RULES

Rep. Bettencourt moved that all House Rules necessary be so far suspended as to allow introduction and consideration at the present time of *HCR 27*, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

Rep. Bettencourt spoke in favor.

Adopted by the necessary two-thirds vote.

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Concurrent Resolution numbered 27 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

First and second reading

HCR 27, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes. (Bettencourt, Rock 4; O'Brien, Hills 4; Chandler, Carr 1; Tucker, Rock 17; M. McCarthy, Hills 21; Silva, Hills 26; Norelli, Rock 16; Shurtleff, Merr 10; Jasper, Hills 27; Hess, Merr 9; Matt Quandt, Rock 13; Lee Quandt, Rock 13; Hawkins, Hills 18; Kevin Brown, Hills 26; Gagne, Hills 13; Fields, Belk 2; Brian Murphy, Rock 18; Jim Belanger, Hills 5; Hinch, Hills 19; Ball, Hills 9; Munck, Straf 2; Ulery, Hills 27; LeBrun, Hills 26; Bradley, Graf 4; Notter, Hills 19; Seidel, Hills 20; Pitre, Straf 3; Rhodes, Hills 22; Sheffert, Rock 15; Kappler, Rock 2; Cunningham, Sull 2; Kurk, Hills 7; Chris Christiansen, Hills 19; Giuda, Merr 7; Fred Rice, Rock 15; Paul Brown, Rock 2; Luther, Belk 4; Mauro, Rock 4; Proulx, Hills 15; Hoelzel, Rock 2; Carson, Dist 14; Barnes, Jr. Dist 17; Lambert, Dist 13; Forsythe, Dist 4; D'Allesandro, Dist 20; Boutin, Dist 16; Groen, Dist 6; Bradley, Dist 3; Houde, Dist 5; Bragdon, Dist 11; Kelly, Dist 10; De Blois, Dist 18; Larsen, Dist 15; Forrester, Dist 2; Luther, Dist 12; Gallus, Dist 1; Merrill, Dist 21; Rausch, Dist 19; Morse, Dist 22; Sanborn, Dist 7; Stiles, Dist 24; White, Dist 9; Odell, Dist 8; Prescott, Dist 23)

CONSIDERATION OF HCR 27

HCR 27, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

Rep. Bettencourt spoke in favor.

Unanimously adopted by voice vote and ordered to third reading.

MOTION TO PRINT REMARKS

Rep. Kurk moved that the remarks made by Rep. Bettencourt be placed in the Permanent Journal. Adopted.

REMARKS

Rep. Bettencourt: Thank you, Mister Speaker. I am seeking to introduce and pass House Concurrent Resolution 27. Mister Speaker and esteemed colleagues, nine years, seven months and twenty-one days. That's how long it took to bring one of the most despicable, evil people in history to justice. Thanks to the efforts of our military leaders and a very special group of Navy SEALs, the world is a safer place today not only for Americans but for people across the globe. Three thousand, five hundred twenty days after thousands of Americans were murdered in terrorist attacks on the twin towers, at the Pentagon and in Pennsylvania, Osama bin Laden, the man who masterminded and then gloated about the attacks, was finally brought to justice. This was a victory for all Americans, but especially for those who lost a loved one on that clear, sunny, September morning nearly ten years ago. I rise today to ask for your support of a resolution commending those members of the Special Forces unit who put their own lives in peril in a far away land so that justice could finally be served. It may have nearly taken a decade, but thanks to the resolve of two Presidents and the courage of the military forces, we have dealt a blow to the Al-Qaeda terrorist network and we hope that it is a significant one. We may never know the names of the heroes that performed the dangerous mission, but they do so, we know, because they love freedom and because they love their country. We are committed as they are to eliminating terrorism worldwide, but they do so without seeking recognition for their heroic actions. The news of the success of their mission brought out the same patriotic spirit that we witnessed in the hours after the morning of September 11th, but with baseball stadiums echoing chants of USA and with millions of Americans flooding our streets in New York City and in Washington rejoicing in the news, these heroes were quietly making their way back to their home base awaiting word of their next mission. Members of the House, I hope that you will join me in showing our appreciation for what these Special Forces do in the name of freedom. I ask that this body again join me in a loud voice to let our military leaders and the forces that serve under them know that we in New Hampshire appreciate their sacrifice. Has terrorism been totally eliminated by this mission? Certainly not, but it gives us hope. Thomas Friedman in the *New York Times* raised an excellent point, that there is one positive thing about the fact that Osama bin Laden survived nearly ten years after September 11th. It is that he lived long enough to see so many young Arabs repudiate his ideology. He lived long enough to see Arabs from Tunisia to Egypt to Syria rise up peacefully to gain the dignity, justice and self-rule that bin Laden claimed could only be obtained by murderous violence. We may only hope that ideology continues to be repudiated until it becomes fully extinct, but America has sent a message to the rest of the world that we will not stand by and let terrorist acts go unanswered. Those who masterminded these attacks will be brought to justice, and so, Mister Speaker, I hope that the House will join me in thanking the brave men and women who have taken such a substantial step in keeping America safe and free. Thank you.

SENATE MESSAGE**NONCONCURS WITH AMENDMENTS****REQUESTS COMMITTEE OF CONFERENCE**

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

The President appointed Sens. Bradley, Carson and Larsen.

Rep. Hawkins moved that the House accede.

Adopted.

The Speaker appointed Reps. Hawkins, Kurk, William Smith and Sedensky.

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 18, 2011 at 10:00 a.m. Adopted.

LATE SESSION**Third reading and final passage**

SB 116, relative to the manufactured housing installation standards board.

SB 122, establishing a committee to study the laws relating to electronic prescriptions.

SB 33-FN, relative to retired state employee contributions for medical benefits costs.

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head.

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

HJR 4, prohibiting the implementation of certain rules of the board of medicine.

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies.

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek.

HCR 27, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference.

Adopted.

The House recessed at 5:25 p.m.

RECESS

(Rep. Merrick in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 56, 58, 71, 92, 115, 142, 143, 144, 148, 196, 198, 251, 274, 277, 331, 386, 444, 464, 503, 549, 558 and 571 and Senate Bills numbered 57, 62, 66, 102, 104 and 173.

Rep. Kidder, Sen. Prescott for the Committee

RECESS

(Rep. Malone in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 474.

Rep. Kidder, Sen. Bradley for the Committee

RECESS

(Rep. Belvin in the Chair)

ENROLLED BILL AMENDMENTS

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

Amendment (1570-EBA)

Amend RSA 482:48, VII (d)-(e) as inserted by section 1 of the bill by replacing them with the following:

(d) Coon Brook Bog Dam in the town of Pittsburg, known as number 194.18.

(e) Round Pond Dam in the town of Pittsburg, known as number 194.27.

Adopted.

HB 86, relative to filling a vacancy among county officers.

Amendment (1571-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 Vacancies; County Officers. Amend RSA 661:9, I to read as follows:

Adopted.

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

Amendment (1676-EBA)

Amend RSA 490-F:2 as inserted by section 1 of the bill by replacing line 5 with the following: as justice or efficiency requires in the discretion of the administrative judge of the circuit court.

Amend RSA 490-F:8, II as inserted by section 1 of the bill by replacing line 2 with the following: are eligible to serve as judicial referees on the effective date of this chapter shall maintain such

Amend section 2 of the bill by replacing line 1 with the following:

2 Judicial Branch Family Division Clerks; Fees. RSA 490-D:12, II and III are repealed and Amend RSA 502-A:8, I as inserted by section 4 of the bill by replacing line 11 with the following: VIII; and RSA 105:6 and RSA 105:7, shall be remitted monthly to the treasurer of the

Amend RSA 502-A:11 as inserted by section 5 of the bill by replacing line 1 with the following:

502-A:11 Criminal Cases; District Courts. Each district court shall have the powers of a justice

Amend RSA 502-A:11 as inserted by section 5 of the bill by replacing line 5 with the following: both, including all violations of the provisions of RSA 266:16 and RSA 266:25 pertaining to vehicles

Amend RSA 599:1 as inserted by section 28 of the bill by replacing line 11 with the following: bound over, it shall be the duty of the superior court to transmit to the justice of the district court,

Adopted.

HB 621-FN-L, relative to the authority of the department of transportation.

Amendment (1560-EBA)

Amend the bill by replacing line 1 of section 5 with the following:

5 Duties. The committee shall study whether certain rules adopted by the department of
Adopted.

SENATE MESSAGES

CONCURRENCE

HB 43, relative to the adoption of forms under the administrative procedures act.

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch.

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes.

HB 216, relative to the instructional authority of school boards.

HB 246, relative to prearranged funeral contracts or burial plans.

HB 284-FN, relative to contact lens prescriptions.

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor.

HB 358, relative to the maintenance, repair, and preservation of burial grounds.

HB 401, relative to postsecondary training for workers with disabilities.

HB 431, relative to psychiatric evaluations.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.

HB 488-FN, relative to criminal records checks for employment with child day care agencies.

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river.

HB 629-FN, relative to the uninsured health care database.

NONCONCURRENCE

HB 134, relative to eligibility for walking disability plates.

HB 181, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

HB 209, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts.

HB 370, making changes to the pupil safety and violence prevention act.

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

HB 411, relative to distributing campaign materials at the polling place.

RE-REFERRED TO COMMITTEE

HB 72-FN-A, establishing a state aeronautical fund.

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system.

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards.

HB 466-FN, eliminating the ballot law commission.

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program.

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems.

LAID ON THE TABLE

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.

HB 335-FN-A, establishing multi-use number plates.

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

CONCURRENCE WITH AMENDMENTS

SB 147-FN, relative to Medicaid managed care.

RECESS

(Rep. Hill in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 35, 86, 168, 438, 609 and 621 and Senate Bills numbered 122 and 195.

Rep. Kidder, Sen. Prescott for the Committee

ENROLLED BILL AMENDMENTS

HB 55, adding members to the exotic aquatic weeds and species committee.

Amendment (1807-EBA)

Amend RSA 487:30, II(a)(3) as inserted by section 1 of the bill by replacing line 2 with the following:
chairman of the board of that association with the concurrence of the chairperson of the
 Adopted.

HB 426, adding certain entities to the unused prescription drug program.

Amendment (1752-EBA)

Amend RSA 318:58, I as inserted by section 1 of the bill by replacing line 3 with the following:
to RSA 318, including manufacturers and wholesalers licensed under RSA 318:51-a or
 Adopted.

RECESS**(Speaker O'Brien in the Chair)****ENROLLED BILL AMENDMENTS**

SB 81, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head. (Amendment printed SJ 5-11-11)
 Adopted.

SB 147, relative to Medicaid managed care. (Amendment printed SJ 5-11-11)
 Adopted.

RECESS**(Rep. Groen in the Chair)****RESOLUTION**

Introduction having been approved by the Rules Committee, Rep. Hawkins offered the following:
 RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 12 shall be by this resolution read a first and second time by the therein listed title.
 Adopted.

INTRODUCTION OF HOUSE RESOLUTION**First and second reading.**

HR 12, affirming revenue estimates for fiscal years 2011, 2012, and 2013. (Rep. Stepanek, Hills 6; Rep. Major, Rock 8; Rep. O'Brien, Hills 4; Rep. Bettencourt, Rock 4; Rep. Weyler, Rock 8)

SENATE MESSAGES**CONCURRENCE**

HB 61, relative to daylight saving time.

HB 114, reinstating and expanding the duties of the joint legislative historical committee.

HB 174, relative to insurance coverage for court-ordered counseling in divorce proceedings.

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act.

HB 291, relative to permissible fireworks.

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program.

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings.

HB 398, relative to service animals.

HB 413, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees.

HB 521, relative to meeting dates for county conventions.

HB 532-L, relative to municipal liability for dog bites.

HB 651, allowing the sale and possession of monk parakeets.

NONCONCURRENCE

HB 160, relative to the powers of the joint committee on legislative facilities.

HB 257, relative to removal of political advertising.

HB 290, relative to staffing exceptions for small schools.

HB 450, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics.

RE-REFERRED TO COMMITTEE

HB 210-FN, relative to the use of deadly force to protect oneself.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.

HB 330-FN, relative to carrying firearms.

HB 378-FN, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of “non-deadly” force.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities.

LAI D ON THE TABLE

HB 113, prohibiting the use of state funds for New Hampshire public television.

HB 442-FN, relative to the use of marijuana for medicinal purposes.

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services.

HB 617, repealing the prohibitions on Sunday business activities.

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent.

RECESS

(Speaker O’Brien in the Chair)

Rep. Chandler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 18

Wednesday, May 18, 2011

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker, Rep. Tucker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

The Lord is great and highly to be praised, and the greatness of the Lord has no end. Age after age praises Your work, Lord, and we continue to proclaim Your power. (Psalm 144)

Heavenly Lord, Psalm 144 helps us to see that we are loving creatures with open hands grateful for Your gifts. We praise You for the gift of our families, our spouses, and our children. We thank You for our friends, our constituents and the challenges of this day. Our concerns extend to those who need our thoughts and Your intercession; the sick, the suffering, all who need healing and those in uniform. Help us to see that a leader's greatest merit is his or her own humility and that from this center all Your people are susceptible to right example. Help us to turn, with seriousness and good conscience, to the strength of the first principles that secure our liberties. Keep us strong and vibrant for the time that we serve, for You are great and highly to be praised! Amen.

Representative Marjorie Porter, member from Hillsborough, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of America the Beautiful.

LEAVES OF ABSENCE

Reps. Charron, Jennifer Coffey and Hofemann, the day, illness.

Reps. Avard, Ball, Comerford, Coughlin, Hess, Lambert, Leonard, Levasseur, Pastor, Pelletier, Michael Reed, Rosenwald, Summers, Joseph Thomas, Tilton, Ulery and Weber, the day, important business.

INTRODUCTION OF GUESTS

The Honorable, Jennifer Daler, former member from Temple, guest of Rep. Norelli. Roanne Sanborn and Bill Gordon, guests of Rep. Burt. Nan Munck, Catherine, Donald, Bridget, Donald and John Batsford; wife, daughter, son-in-law and grandchildren of Rep. Munck. Marj, Ruth, Lee and Clara Smith; wife, daughter-in-law and granddaughters of Rep. William Smith. John, Katie, Madison, and Jane Tucker, Jill Worthington and Deborah Cope; husband, children and guests of Rep. Tucker. Honey and Nich Putenbaugh, guests of Rep. Cataldo. James and Nancy Manuse, parents of Rep. Manuse. Tamara Fleury Howard, wife of Rep. Howard. Fourth graders from the Mont Vernon Village School, guests of the Hillsborough District 4 delegation.

Grant Reeder and Robert Sherman, students at Kearsarge Regional High School, Pages for the day.

(Speaker O'Brien in the Chair)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 31, relative to insurance payments for ambulance services. (Amendment printed SJ 5-4-11)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

HB 47, relative to inactive license status for real estate brokers and salespersons. (Amendment printed SJ 4-20-11)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

HB 175, relative to technical changes in life, accident, and health insurance. (Amendment printed SJ 4-27-11)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. (Amendment printed SJ 5-4-11)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

HB 419-FN, relative to language in insurance certificates. (Amendment printed SJ 4-27-11)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

HB 424, relative to surplus lines tax collection. (Amendment printed SJ 5-4-11)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

HB 544, relative to state authority over firearms and ammunition. (Amendment printed SJ 5-11-11)

Rep. Swinford moved that the House concur and spoke in favor.

Adopted.

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. (Amendment printed SJ 5-4-11)

Reps. Haefner and Carol McGuire moved that the House concur.

Rep. Haefner spoke in favor.

Adopted.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (Amendment printed SJ 5-4-11)

Rep. Carol McGuire moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Winter, Hansen, Whitehead and Bowers.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. (Amendment printed SJ 5-4-11)

Rep. Reagan moved that the House concur and spoke in favor.

Adopted.

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation. (Amendment printed SJ 5-4-11)

Rep. Daniels moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Daniels, Infantine, Laware and Goley.

HB 483-FN-L, relative to mosquito control. (Amendment printed SJ 4-20-11)

Rep. Ferrante moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sterling, Ferrante, Kris Roberts and Burt.

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. (Amendment printed SJ 4-13-11)

Rep. Ferrante moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Betsey Patten, Ferrante, Sterling and Dorothea Hooper.

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act. (Amendment printed SJ 5-4-11)

Rep. Renzullo moved that the House concur and spoke in favor.

Adopted.

HB 381, authorizing net metering for micro-combined heat and power systems. (Amendment printed SJ 5-4-11)

Rep. James Garrity moved that the House concur and spoke in favor.

Adopted.

HB 299-FN, relative to the method of financing for the judicial retirement plan. (Amendment printed SJ 5-11-11)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Cohn, Winter and Sanborn.

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate. (Amendment printed SJ 4-20-11)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

HB 397, relative to image display devices in motor vehicles. (Amendment printed SJ 4-27-11)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

SB 111, relative to short sales of a homeowner's residence. **OUGHT TO PASS.**

Rep. Sean M. McGuinness for Commerce and Consumer Affairs: This bill updates the relatively new law (RSA 479-A) a.k.a. the "Foreclosure Rescue Law" that was intended to protect consumers from equity scamming by certain unscrupulous "foreclosure consultants" and like kind operators. A "short sale" simply means a property owner may agree to sell property to a buyer for less than the amount of the outstanding mortgage debt as the lender may allow; it is usually accompanied by debt forgiveness and is widely accepted as a legitimate mechanism for avoiding foreclosure. It exempts buyer and seller from certain requirements pertaining to foreclosure consultants and it better defines and clarifies the existing statute. It removes real or perceived regulatory obstacles that became unintended consequences of the original legislation. The bill defines and regulates a "short sale." Finally, the bill improves the existing statute by requiring written consent and disclosure by the parties who are engaged in short sale transactions. This is not a licensing matter. This bill is unopposed and its passage will serve to improve the statute. Vote 16-0.

SB 179, relative to qualified purchasing alliances. **OUGHT TO PASS.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill is a follow-up to SB 408, Chapter 346, Laws of 2010 which added RSA 420-M, establishing purchasing alliances for health insurance. This law established the definitions, application and licensing requirements and demonstration of necessary fiscal fitness to create a health purchasing alliance. Products sold by a purchasing alliance to members of small employers would be rated under the small group rating law and be priced as small group insurance. This bill improves and clarifies the current law for obtaining certification and establishes membership criteria that limit membership in the alliance to employers that are members of or affiliated with an association or trade group that has been in existence for at least 10 years and was established and maintained for purposes other than the provision of health coverage. The committee concurs with this clarification. Vote 16-0.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill adds felonious sexual assault to the crimes for which the victims are notified when an accused perpetrator, found incompetent to stand trial, is released unsupervised from civil commitment. It has also been amended so that the statute of limitation is suspended for murder, manslaughter and felonious sexual assault while the accused is incompetent to stand trial. Vote 15-1.

Amendment (1589h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to notification if a person found incompetent to stand trial and civilly committed is released into the community and relative to the prosecution of certain accused persons who have been found incompetent to stand trial.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Limitations. Amend RSA 625:8, VI to read as follows:

VI. The period of limitations does not run:

(a) During any time when the accused is continuously absent from the state or has no reasonably ascertained place of abode or work within this state; [or]

(b) During any time when a prosecution is pending against the accused in this state based on the same conduct; *or*

(c) During any time that a person who has been charged with murder pursuant to RSA 630:1, RSA 630:1-a, or RSA 630:1-b, manslaughter or aggravated felonious sexual assault is found and remains incompetent to stand trial pursuant to RSA 135:17-a.

AMENDED ANALYSIS

This bill clarifies the notification required if a person found incompetent to stand trial and civilly committed is released into the community. The bill also provides that the period of limitations on prosecution shall not run anytime that a person who has been charged with certain crimes is found and remains incompetent to stand trial.

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole. **OUGHT TO PASS.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill sets up a committee to study the availability of community supervision programs for prisoners released on probation or parole. This bill will insure that these programs are in place and working to benefit the state. Vote 16-0.

SB 37, relative to the determination of residency for certain pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen A. Lauer-Rago for Education: This bill, as amended, gives parents more input when residency of their child is in dispute. It allows them to present a residency dispute for determination to the commissioner of education. It also changes the language to exclude homeless children in accordance with federal law. It also corrects the reference to RSA 193:28, which provides a proper definition of legal residence for purposes of school attendance. Vote 17-0.

Amendment (1808h)

Amend the bill by replacing section 1 with the following:

1 School Attendance; Legal Residence Required. Amend RSA 193:12, VI(a) to read as follows:

VI.(a) The commissioner of the department of education, or designee, shall decide residency issues for all pupils, ~~[including]~~ **excluding** homeless children and youths, in accordance with this section. If more than one school district is involved in a residency dispute, or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision. In those instances when an agreement cannot be reached, the commissioner of the department of education, or designee, shall make a determination within ~~[14]~~ **30** days of notice of the residency dispute and such determination shall be final. ***If the unresolved residency dispute has resulted in an interruption of educational or related services, or such an interruption is likely to occur if the determination cannot be made before the expiration of 30 days, the determination shall be made within 14 days. With the agreement of the school districts involved and of the minor child's parent or legal representative, the time for determination of the residency dispute may be extended. Residency disputes may be submitted to the commissioner for determination by a school district involved in a dispute. In cases where the failure to resolve a residency dispute has resulted in or is likely to result in the interruption of educational or related services, a minor child's parent or legal representative may submit a residency dispute for determination to the commissioner. In [any case] all cases, all parties with an interest in the dispute shall be notified of the pendency of the proceedings, shall have an opportunity to review all information provided to the commissioner, and shall have an opportunity to present facts and legal arguments to the commissioner. The commissioner's decision, including a written explanation for that decision,*** shall be provided to the parties of record and a copy of such explanation shall be kept on file by the department of education. No school district shall deny a pupil attendance or implementation of an existing individualized education program.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Legal Residence Required. Amend RSA 193:12, II(a)(2) to read as follows:

(2) In a divorce decree where parents are awarded joint decision making responsibility or joint legal custody, the legal residence of a minor child is the residence of the parent with whom the child resides. If a parent is awarded sole or primary residential responsibility or physical custody by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary residential responsibility or physical custody. If the parent with sole or primary physical custody lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire. If the court order is for equal or approximately equal periods of residential responsibility, the child's legal residence for school attendance purposes shall be as stated in the order. If a child is in a court-ordered residential placement, foster home, or group home pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, residence shall be determined in accordance with RSA ~~[493:27]~~ **193:28**.

SB 45, relative to criteria for designation as a Granite State scholar. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for Education: This bill changes the designation for Granite State scholar to be consistent with existing SAT scoring measures and to take care of this if SAT scoring changes in the future. The amendment includes other nationally recognized norm referenced assessments to determine Granite State scholars. Vote 17-0.

Amendment (1500h)

Amend the bill by replacing section 1 with the following:

1 Granite State Scholar Designation. Amend RSA 188-D:39, I to read as follows:

I. The granite state scholar designation shall be made for any New Hampshire resident who graduates in the top 10 percent of his or her class from an ~~[accredited]~~ **approved** New Hampshire high school, and who receives a combined score ~~[of 1200 or more]~~ **equaling at least 75 percent of the maximum possible score** on the Scholastic Aptitude Test I, or the equivalent score on ~~[the ACT Assessment examination]~~ **another nationally recognized and norm referenced assessment approved by the department of education**. The granite state scholar designation shall be determined using class rank and standardized test scores taken no later than January 31 of the student's senior year in high school.

AMENDED ANALYSIS

This bill changes the criteria relating to the required score on the Scholastic Aptitude Test or other nationally recognized and norm referenced assessment for designation as a Granite State scholar. The bill also changes the date by which the postsecondary education commission shall distribute matching funds to participating institutions.

This bill was requested by the postsecondary education commission.

SB 96, relative to amending the charter of The Pinkerton Academy. **OUGHT TO PASS.**

Rep. Robert H. Greemore for Education: This bill allows Pinkerton Academy to amend its charter in accordance with the provisions of RSA 292:7. This bill would allow Pinkerton Academy Board of Trustees to amend their charter without going to the General Court. This corrects an oversight by the school to make changes to its charter as other academies were allowed to do following statutory changes in 1992. Vote 17-0.

SB 128-FN-A, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department. **OUGHT TO PASS.**

Rep. Tyler W. Simpson for Fish and Game and Marine Resources: Costs for search and rescue continue to rise. Last year, \$128,000 of funding came from hunters and fishermen as part of their license fees. These people are not those needing to be rescued. New sources of funding should be explored. Vote 13-0.

SB 36, relative to the permanent siting of the Hampton-Exeter District Court. **OUGHT TO PASS.**

Rep. Brian J. X. Murphy for Judiciary: This bill extends the date required for the permanent siting of the Hampton-Exeter District Court from January 1, 2011 (which has already passed) to January 1, 2015. The committee discussed the difficulty of siting a court that services 14 communities and balanced that challenge against the expectation that this project will receive priority attention over the next few years. It was determined by the committee that this bill achieved the necessary balance. Vote 15-1.

SB 54, relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations. **OUGHT TO PASS.** Rep. J. Brandon Giuda for Judiciary: This bill modifies the definition of "declarant" under the condominium act in order to eliminate an unnecessary registration process for condominium developments that have been foreclosed upon by a lender. The statute currently requires a mortgage holder that forecloses and retains the property to complete the condominium registration process prior to selling to a new owner, even if the mortgage holder simply wants to sell the development. Any new owner must then also complete the lengthy condominium registration process. By eliminating such a mortgage holder from the definition of declarant, this bill reduces unnecessary regulatory requirements while still ensuring the individual condominium owners are protected. Vote 13-0.

SB 64, removing the oath requirement for criminal complaints filed by police officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This bill seeks to amend RSA 592-A:7 by expanding the offenses that can be initiated by the unsworn complaint of a police officer to include not just violation-level offenses as under present law, but misdemeanors as well. The purpose of the bill is to address the difficulty frequently encountered, particularly in rural areas or late at night, in locating notaries or justices of the peace before whom to attest. The committee was sympathetic with the desire for convenience, but wanted to prevent possible abuses. Accordingly, in the committee amendment, the proposed expansion is limited to class B misdemeanors (the penalties for which do not allow for imprisonment), and requires the complaint to be signed by the officer and to contain a warning that the officer's making a false statement on the complaint could result in his or her criminal prosecution. The committee amendment also amends RSA 592-A:8 to make clear, consistent with Article 19 of Part I of the New Hampshire Constitution, that a complaint used as the basis of an arrest warrant must continue to be signed under oath. Vote 16-0.

Amendment (1696h)

Amend the title of the bill by replacing it with the following:

AN ACT removing the oath requirement for class B misdemeanor criminal complaints filed by police officers.

Amend the bill by replacing all after the enacting clause with the following:

1 Criminal Complaints. Amend RSA 592-A:7, I to read as follows:

I. Criminal proceedings before a district court shall be begun by complaint, signed and under oath, addressed to such court, briefly setting forth, by name or description, the party accused and the offense charged, provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for a violation-level offense *or a class B misdemeanor* shall not require ~~a signature or~~ an oath. ~~[Any complaint]~~ *All complaints* filed ~~[electronically]~~ *by a police officer* shall include *the officer's signature and printed name and* notice that making a false statement on the complaint may result in criminal prosecution.

2 Warrants. Amend RSA 592-A:8 to read as follows:

592-A:8 Warrants. A justice of the peace or justice of the district ~~[or municipal]~~ court, upon such complaint *when signed under oath*, may issue a warrant for the arrest of the person so charged with an offense committed or triable in the county, directed to the sheriff of any county or his deputy or to any constable or police officer of any town in the county.

3 Criminal Complaints. Amend RSA 592-A:7, I to read as follows:

I. Criminal proceedings before a ~~[district]~~ *circuit* court shall be begun by complaint, signed and under oath, addressed to such court, briefly setting forth, by name or description, the party accused and the offense charged, provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for a violation-level offense *or a class B misdemeanor* shall not require ~~a signature or~~ an oath. ~~[Any complaint]~~ *All complaints* filed ~~[electronically]~~ *by a police officer* shall include *the officer's signature and printed name and* notice that making a false statement on the complaint may result in criminal prosecution.

4 Warrants. Amend RSA 592-A:8 to read as follows:

592-A:8 Warrants. A justice of the peace or justice of the ~~[district or municipal]~~ *circuit* court, upon such complaint *when signed under oath*, may issue a warrant for the arrest of the person so charged with an offense committed or triable in the county, directed to the sheriff of any county or his deputy or to any constable or police officer of any town in the county.

5 Contingency. If HB 609-FN of the 2011 legislative session becomes law, sections 3 and 4 of this act shall take effect January 1, 2012 and sections 1 and 2 of this act shall not take effect. If HB 609-FN does not become law, sections 1 and 2 of this act shall take effect January 1, 2012 and sections 3 and 4 of this act shall not take effect.

6 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill removes the oath requirement for class B misdemeanor criminal complaints filed by police officers. The bill also requires a police officer filing a criminal complaint to sign the complaint.

SB 109, establishing a committee to study the foreclosure process in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: This bill proposes establishing a committee to study the foreclosure process in New Hampshire. The committee felt the bill was submitted in response to national media reports alleging significant foreclosure improprieties; however investigations have shown no such significant problems. The committee concluded that despite thousands of foreclosures in New Hampshire, there is no evidence of foreclosure problems that would necessitate any type of study. The committee also recognized that the current foreclosure process allows a property owner to seek judicial relief if improprieties exist. Because the committee strongly felt this bill was proposing a solution in search of a problem, the committee voted unanimously for inexpedient to legislate. Vote 16-0.

SB 20, relative to shoreland protection permits. **OUGHT TO PASS.**

Rep. Andrew Renzullo for Resources, Recreation and Development: This bill exempts terrain alteration permit holders from requiring certain shoreland protection permits. This eliminates a duplication of effort by both the applicant and agency and reduces costs. Vote 15-0.

SB 21, relative to exemptions from excavating and drainage permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill exempts from permitting the maintenance work on water-related manmade structures such as detention basins, culverts, farm ponds and roadside ditches. It also allows such facilities to be modified or replaced as long as adjoining wetlands are not affected and best management practices are used. The amendment resolves a conflict with a bill now in the Senate and condenses the bill. Vote 13-0.

Amendment (1845h)

Amend the bill by replacing all after the enacting clause with the following:

1 Excavating and Dredging Permit; Exemptions. Amend RSA 482-A:3, IV(b) to read as follows:

(b) Man-made nontidal drainage ditches, *roadside and railroad ditches* ~~culverts~~, ~~catch~~ *detention* basins, ~~and~~ ponds, *and wetlands* that have been legally constructed to collect, ~~or~~ convey, *treat, or control* storm water and spring run-off, *legally constructed ponds on active farms, erosional features caused by proximate human activity*, fire ponds and intake areas of dry hydrants that have been legally constructed to provide water for municipal firefighting purposes as approved by a local fire chief, and *aggregate wash ponds, sluiceways, and other legally constructed* man-made water conveyance systems that are used for the commercial or industrial purpose of collecting, conveying, storing, and recycling water, may be ~~cleaned out when~~ *maintained, repaired, replaced, or modified as necessary* to preserve their usefulness without a permit ~~from the department~~. Such ~~drainage facilities, fire ponds, intake areas of any hydrants, or man-made water conveyance systems may be cleaned out by hand or machine~~ *under this chapter*; provided, that the *exempted* facility, *area, or feature* is ~~[neither enlarged nor]~~ *not* extended into any area of wetlands jurisdiction of the department of environmental services, dredged spoils are deposited in areas outside wetlands jurisdiction of the department of environmental services, ~~and~~ wetlands or surface waters outside the limits of the ~~[constructed drainage facility, fire pond, intake area of a dry hydrant, or man-made water conveyance system]~~ *exempted facility, area, or feature* are neither disturbed nor degraded, *the exempted facility, area, or feature was not constructed as mitigation under a wetlands permit or as part of a settlement agreement, best management practices are followed, and the work does not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.*

(c) Legally constructed culverts may be cleaned as necessary to preserve their usefulness without a permit under this chapter provided the conditions of subparagraph (b) are met.

2 Contingent Amendment; Excavating and Dredging Exemptions. Amend RSA 482-A:3, IV(c) to read as follows:

(c) Legally constructed culverts may be cleaned as necessary to preserve their usefulness without a permit under this chapter provided the conditions of subparagraph (b) are met, *however any repair, replacement or modification of a culvert must be made in accordance with RSA 482-A:3, XVI.*

3 Contingent Amendment; Municipalities; Permit by Notification. Amend RSA 482-A:3, XVI(a) to read as follows:

XVI.(a) Any person or political subdivision that repairs[;] *or* replaces[~~;~~~~or maintains~~] *culverts or stream crossing* structures in accordance with the best management practices for routine roadway maintenance in New Hampshire published by the department of transportation, including culverts up to *and including* 48 inches in diameter or the functional hydraulic equivalent, and files an appropriate notice under subparagraph (b), shall satisfy the permitting requirements of this section for minimum impact activities, as defined by rules adopted by the commissioner.

4 Contingency.

I. If HB 621-FN-LOCAL of the 2011 legislative session becomes law before the effective date of section 1 of this act, section 2 shall take effect at 12:01 a.m. 60 days after passage of this act. If HB 621-FN-LOCAL of the 2011 legislative session becomes law after the effective date of section 1 of this act, section 2 shall take effect on the effective date of HB 621-FN-LOCAL. If HB 621-FN-LOCAL of the 2011 legislative session does not become law, then section 2 of this act shall not take effect.

II. If HB 621-FN-LOCAL of the 2011 legislative session becomes law, then section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 621-FN-LOCAL. If HB 621-FN-LOCAL of the 2011 legislative session does not become law, then section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill modifies the exemptions from excavating and drainage permits.

SB 32, relative to water withdrawals for snow making. **OUGHT TO PASS.**

Rep. Peter S. Bolster for Resources, Recreation and Development: This bill was requested by the ski industry to reduce redundant measuring of large water withdrawal for the purpose of snowmaking. It will also reduce paperwork. The net effect is to lower costs to the businesses involved. Vote 15-0.

SB 38, relative to extensions for wetland and shoreland permits. **OUGHT TO PASS.**

Rep. Charlene M. Lovett for Resources, Recreation and Development: This bill provides for extensions of permits for excavating and dredging in wetlands and activities within the protected shoreland. Upon request, the department of environmental services (DES) may grant one extension of up to five additional years, provided the applicant demonstrates all of the following four criteria: a) The original permit has not been revoked or suspended without reinstatement. b) The extension would not violate a condition of law or rule. c) The project is proceeding towards completion in accordance with plans and documentation referenced by permit. d) Applicant proposes reasonable mitigation measures to protect shorelands and public waters of the state from deterioration during the extension. DES supports this bill which is reflective of current economic conditions and streamlines the process for the department and permit holders. Vote 15-0.

SB 47, extending the commission to study water infrastructure sustainability funding. **OUGHT TO PASS.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill simply extends the commission to study water infrastructure sustainability funding for one year to allow it to complete its very complex study dealing with dam repair, water supply and wastewater. There are currently 77 wastewater projects waiting funding alone. Vote 15-0.

SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H. Russell for Resources, Recreation and Development: This bill, as amended, will simply change the size and weight limitations of OHRV's only on specific trails and only within Jericho Mountain state park, at the request of the Department of Resources and Economic Development. The increase is due to the introduction of a so called "side by side" ATV. Section two of the bill, requiring a definition of a "UTV" "Utility Terrain Vehicle" is dropped, as there is a committee established in SB 107 to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands. The committee felt this body was much better suited to come up with such a definition. Vote 13-0.

Amendment (1683h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the size limitations on OHRVs operating in Jericho Mountain state park.

Amend the bill by replacing all after section 1 with the following:

2 Repeal. RSA 216-A:3-g, VII(c), relative to vehicle limitations in Jericho Mountain state park, is repealed.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the size and weight limits for OHRVs allowed on designated trails in Jericho Mountain state park.

SB 105, exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails. **OUGHT TO PASS.**

Rep. Christopher J. Ahlgren for Resources, Recreation and Development: This bill eliminates the redundancy in agency evaluations when ATV and trail bike trails cross a highway. The department of transportation already evaluates crossings over their highways, so requiring the trails bureau to do the same thing under RSA 215-A is unnecessary. Vote 15-0.

SB 107, establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands. **OUGHT TO PASS.**

Rep. Andrew Renzullo for Resources, Recreation and Development: This bill establishes a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state land. This committee will make recommendations on simplifying and reworking an existing set of statutes that have become overly complicated and cumbersome. Vote 15-0.

SB 98, revising the international registration plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian D. Rhodes for Transportation: This bill simplifies accounting for New Hampshire trucking businesses. It allows them to travel unimpeded throughout the continuous 48 states and participating Canadian provinces. This bill only affects commercially registered vehicles which are required to register in the jurisdictions that they travel in/through. Vote 17-0.

Amendment (1353h)

Amend RSA 260:74, article XI, subparagraph A, 3(d) as inserted by section 1 of the bill by replacing it with the following:

(d) One-way vehicle. The owner of trucks registered for 26,000 pounds (11,793.401 kilograms) or less that are identified as a part of a one-way rental fleet may (i) allocate all of such vehicles to the respective member jurisdictions in proportion to the mileage operated in each member jurisdiction by the rental fleet, or (ii) register all of such vehicles as apportioned vehicles under the plan. A one-way rental vehicle registered in accordance with this subparagraph may be used in both interjurisdictional and intrajurisdictional operation.

SB 99, relative to trailer brakes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for Transportation: Section 1 brings New Hampshire into compliance with federal regulations and exempts certain trailers that are utilized only in state from the federal requirements pertaining to trailer brakes. This applies only to a limited number such as wood sawing machines, log splitters and others that have a gross weight under 3000 pounds. This is a business friendly bill that helps small businesses. Vote 16-1.

Amendment (1603h)

Amend the bill by replacing section 1 with the following:

1 Trailer Brakes. Amend RSA 266:30 to read as follows:

266:30 Trailer Brakes.

~~I. No motor vehicle trailer or semi-trailer[, the weight of which, including its load, is 3,000 pounds or more,] shall be driven on the ways of this state unless equipped with adequate brakes in good working order and sufficient to control the said vehicle at all times. No house trailer weighing in excess of 1,500 pounds shall be driven on the ways of this state unless so equipped. [This section shall not apply to wood-sawing machines, log splitters, cement mixers, compressors, tar kettles, conveyors, or to devices of 2 wheels used by public utilities for the transportation of cables or poles not exceeding 6 in number, road rollers and sweepers, thawing devices, or to refreshment booths on wheels towed not more than 2 miles at any one time.]~~

II. This section shall not apply to:

(a) A motor vehicle trailer or semi-trailer with a gross weight of less than 3,000 pounds if the axle weight of the towed vehicle does not exceed 40 percent of the sum of the rated axle weights of the towing vehicle.

(b) Wood-sawing machines, log splitters, cement mixers, compressors, tar kettles, conveyors, devices of 2 wheels used by public utilities for the transportation of cables or poles not exceeding 6 in number, road rollers and sweepers, thawing devices, or refreshment booths on wheels towed not more than 2 miles at any one time, only if being driven in intrastate commerce on the ways of New Hampshire.

REGULAR CALENDAR

SB 30, relative to including a parent's residence in the parenting plan. **OUGHT TO PASS.**

Rep. Jeffrey D. Oligny for Children and Family Law: The bill requires parenting plans to include the party's legal residence in cases where joint decision-making responsibility is ordered, absent a history of domestic abuse, stalking or some other reason deemed not to be in the best interest of the children. Said addresses are also required to be updated as necessary. The committee felt that the bill was a step in the right direction. Vote 10-5.

Committee report adopted and ordered to third reading.

SB 197, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna C. Mauro for Commerce and Consumer Affairs: This bill changes the recently enacted law related to home heating oil, kerosene or liquefied petroleum gas dealers to secure customer prepaid deposits by deleting the current law related to "futures contracts" to instead require the dealers to maintain an escrow account with the office of the attorney general as the beneficiary. The current law also allows for letter of credit or surety bond of a specified amount, but no dealers have posted them. While the committee recognizes a problem with some dealers who have gone out of business with the result that many consumers have taken losses of thousands of dollars due to the failure of prepaid contracts, the majority, however, felt this bill did not adequately address this problem and we have already retained a House bill that also addresses this problem. Vote 15-1. Committee report adopted.

SB 90, directing the legislative oversight committee to study the consolidation of school administrative units. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Education: The amendment changes the original bill in its entirety. This bill expands the duties of the SAU oversight committee. It currently monitors the organization and dissolution of SAU's as well as the general operations. This bill would extend its oversight to cooperative school districts as well in the same functions listed above for SAU's. Also, this bill requires the committee to study consolidation of SAU's into primarily one SAU per county with the exception of Hillsborough and Rockingham which would have 2 SAU's each. This bill also modifies the administrative rules making it less onerous and less time consuming to withdraw from SAU's or authorized regional enrollment area agreements. Finally, this bill provides for a suspension of the required 180 day school year in recognition of snow emergency days for the 2010-2011 school year only. Prior to this, a waiver was required, signed by the commissioner of the department of education. This bill would simply give this power to the local school board to make the decision. Vote 17-0.

Amendment (1687h)

Amend the title of the bill by replacing it with the following:

AN ACT expanding the duties of the school administrative unit legislative oversight committee, directing the committee to study the statewide consolidation of school administrative units, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school, and relative to suspending the days of school requirement for the 2010-2011 school year. Amend the bill by replacing all after the enacting clause with the following:

1 School Administrative Unit; Legislative Oversight Committee. Amend RSA 194-C:12 to read as follows:

194-C:12 Duties of the Legislative Oversight Committee. The oversight committee shall monitor the process of organization and withdrawal of school districts from school administrative units and shall oversee the general operation, creation, or dissolution of school administrative units. *In addition, the oversight committee shall also monitor the process of organization and withdrawal from a cooperative school district as well as the process of amending a cooperative school district's articles of agreement.* The committee shall submit an annual report to the speaker of the house of representatives, the president of the senate, and the state board of education summarizing its findings.

2 New Section; Duties of the Legislative Oversight Committee. Amend RSA 195 by inserting after section 31 the following new section:

195:32 Duties of Legislative Oversight Committee. The legislative oversight committee established in RSA 194-C:11 shall, in addition to the duties set forth in RSA 194-C:12, monitor the process of organization and withdrawal from a cooperative school district as well as the process of amending a cooperative school district's articles of agreement. The legislative oversight committee shall annually submit a report on or before November 1 to the speaker of the house of representatives, the president of the senate, and the state board of education summarizing its findings.

3 Legislative Oversight Committee; Consolidation of School Administrative Units. The legislative oversight committee established in RSA 194-C:11 shall, in addition to its duties set forth in RSA 194-C:12, study the advantages, disadvantages, and costs associated with consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 31, 2011.

4 School Administrative Units; Withdrawal. Amend RSA 194-C:2, IV to read as follows:

IV. WITHDRAWAL.

(a) The planning committee shall:

(1) Study the advisability of the withdrawal of a specific school district from a school administrative unit in accordance with this chapter, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such school district.

(2) Estimate the construction and operating costs of operating such school or schools.

(3) Investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of a school administrative unit.

(4) Prepare an educational and fiscal analysis of the impact of the *withdrawal on the withdrawing district* ~~[on any school districts remaining in the school administrative unit]~~ and a proposed plan for the disposition of any school administrative unit assets and liabilities *held by the withdrawing district.*

(5) Consult with the department of education regarding any unique issues and resolve such issues in a timely manner and submit a report or reports of its findings and recommendations to the several school districts within the existing school administrative unit.

(b) If the planning committee recommends the withdrawal from a school administrative unit, it shall prepare a plan for organization or reorganization. The plan ~~[shall]~~ *may* include ~~[providing]~~ *provision of* superintendent services, which meet the requirements set forth in RSA 194-C:4, and a transition plan and timeline, which includes consideration of transition budgets and staffing for the withdrawing district, and is signed by at least a majority of the membership of the planning committee.

(c) The planning committee may submit to the board of an existing school administrative unit, a plan for joining the existing school administrative unit. If approved *by the board of the existing school administrative unit*, the plan shall be submitted to the state board of education ~~[and]~~ *which*

may, within 60 days of receipt of the plan, make recommendations to the planning committee. After receiving the state board's recommendations, the planning committee may revise the plan or submit it to the school district voters in accordance with this section.

(d) The planning committee shall submit a copy of the proposed plan to the several school districts and shall hold at least one public hearing no less than 14 days prior to submission to the state board. ~~[Within 60 days, the state board of education shall review the proposed plan for administrative structure and to determine whether or not the proposed plan complies with the requirements of this section and RSA 194-C:4.]~~

(e) If in the opinion of the ~~[state board]~~ *planning committee*, all requirements have been met, it shall forward the plan to the school district clerk for a vote at a regular or special school district meeting.

(f) If the ~~[state board of education]~~ *planning committee* determines that all requirements have not been properly addressed, the deficiencies shall be noted and the ~~[plan shall be promptly returned for revision]~~ *planning committee shall promptly revise the plan*. When the plan is ~~[resubmitted, the state board of education shall promptly return the plan and]~~ *revised, the planning committee shall submit a copy to the state board which shall make a written recommendation, within 60 days of receipt of the plan, for or against its adoption based on whether or not the plan complies with the requirements of this section and RSA 194-C:4. This recommendation shall be advisory only and shall be reported to the legislative body of the school district. [The state board shall not have veto power over any plan once it is resubmitted by the planning committee.]*

(g) ~~[The state board]~~ *Within 10 days of making its recommendation, the state board* shall submit the plan for district withdrawal from a school administrative unit to the school board of the withdrawing district for acceptance by the district as provided in subparagraph (h). Upon such submission, the state board shall cause the approved plan to be published once at the expense of the state in media of general availability and usage within the district which proposes to withdraw from a school administrative unit.

(h) ~~[Upon the receipt of written notice of the state board's recommendation of the plan;]~~ The plan shall be submitted for approval by the school district under the procedures outlined in paragraph I of this section. The question shall be in substantially the following form:

"Shall the school district accept the provisions of RSA 194-C providing for the withdrawal from a school administrative unit involving school districts of _____ and _____ etc., in accordance with the provisions of the proposed plan?"

Yes _____ No _____

(i) If 3/5 of the votes cast on the question in the withdrawing district shall vote in the affirmative, the clerk of that district shall forthwith send to the state board a certified copy of the warrant, certificate of posting, evidence of publication, if required, and minutes of the meeting in the district. If the state board finds that 3/5 of the votes cast in that district meeting have voted in favor of withdrawing from the school administrative unit, it shall issue its certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the new, single district school administrative unit as of the date of its issuance.

5 Authorized Regional Enrollment Area Schools; Withdrawal of District. Amend RSA 195-A:14, III-VIII to read as follows:

III. After the third anniversary of the date of operating responsibility a sending or receiving school district, at an annual or special school district meeting, may vote to undertake a study of the feasibility and suitability of a withdrawal from the area. The study shall be conducted by a committee composed of 2 school board members from each district of the area, the superintendent of schools as a non-voting member, and 2 members of the town or city governing body from the school district requesting the study. Within 180 days after the date of its formation, the committee shall submit to the state board of education either a report that withdrawal is not feasible or suitable or a report that includes a withdrawal plan prepared in accordance with paragraph IV. If the committee determines that withdrawal is not feasible or suitable, the district which voted to undertake the study may submit a minority report at the same time as the committee report is filed with the state board of education. If the committee report does not include a withdrawal plan, the minority report may include a withdrawal plan prepared in accordance with paragraph IV.

IV. A plan for the withdrawal of a district ~~[or districts]~~ from an area shall include the following:

(a) The name or names of the withdrawing district ~~[or districts]~~ and the grades.

(b) The proposed date of withdrawal from the area, at which time the withdrawing district shall be responsible for the education of its pupils and after which the area shall no longer have such educational responsibility.

(c) The liability of the withdrawing district for its share of any outstanding indebtedness of the area in accordance with paragraph V or, if the area was formed by 2 districts, provision for the disposition of *jointly held* property and a statement of assumption of liabilities upon dissolution of the area.

(d) A detailed analysis of the financial and educational consequences of the proposed withdrawal *on the withdrawing district*.

(e) The manner in which the withdrawing district [~~or districts~~] shall provide for the education of all pupils in the withdrawing district [~~or districts and a plan for the education of the pupils in the remaining sending and/or receiving districts~~]. This shall include the proposed assignment of pupils and any necessary tuition arrangements or contracts.

(f) Modifications to the area agreement necessitated by the withdrawal plan.

(g) Any other matters which the committee, consistent with the law, may consider appropriate to include in the withdrawal plan.

V. Each withdrawing sending district shall remain liable to the area, or to the receiving district in the case of a dissolution of the area, for a rental charge, as determined by the area agreement, for the length of any outstanding bond issue, and for the reduction of school building aid based on the decrease of the annual grant for the payment of debt service for school construction. Payments in discharge of such liability shall be made in accordance with a schedule which may provide for annual payments for the length of the existing bond issue or any other schedule agreed upon by the school boards of the area, or, in the event they fail to agree, as determined by the state board of education. Such payments shall be deemed to be trust funds and shall be applied by the area solely in payment of its indebtedness which was incurred to finance area school facilities and which was outstanding on the effective date of the withdrawal vote.

VI. A receiving district, 4 months prior to a vote on a bond issue for construction of new facilities or additions to an area school, shall notify a sending district of a pending vote on a bond issue. Upon receipt of such notice, a sending district may initiate a withdrawal study in accordance with paragraph III. If the sending district has initiated a withdrawal study prior to the vote in the receiving district, the sending district shall not be further obligated to any bonded indebtedness as a result of such bond issue vote if the voters in the sending district approve, by a majority vote, the withdrawal plan.

VII. The committee established pursuant to paragraph III shall submit a copy of all reports, including any minority reports, to the state board of education. If a report includes a plan for withdrawal, the state board of education shall review the proposed plan [~~to determine whether or not the proposed plan meets the requirements of paragraph IV. If, in the opinion of the state board, the requirements have been properly addressed, the state board shall recommend for or against its adoption based on its assessment of the plan's feasibility. If, in the opinion of the state board, the requirements have not been properly addressed, the deficiencies shall be noted and the plan shall be promptly returned for revision. When the plan is resubmitted, the state board shall promptly review the revised plan, return the plan, and make a recommendation for or against its adoption based on its assessment of the plan's feasibility.~~] *and may, within 60 days of receipt of the plan, issue written recommendations to the withdrawing district noting any deficiencies that may need to be addressed in the plan. The state board's recommendations shall be advisory only. After receiving the state board's recommendations, the committee may revise the plan or submit it to the voters in accordance with this section. In either case, the state board's [recommendation] recommendations shall be reported to the legislative body of the area districts. [The state board shall forward the plan for withdrawal to the school board of the withdrawing school district.]* The school board *of the withdrawing school district* shall publish the withdrawal plan once in a newspaper generally circulated within the area districts. The school board shall file the plan for withdrawal with the clerk of the withdrawing district and shall insert the plan in the warrant for the next annual meeting. The article in the warrant for the district meeting and the question on the ballot to be used at the meeting shall be in substantially the following form:

"Shall the school district accept the provisions of RSA 195-A:14, as amended, providing for the withdrawal of the sending (or receiving) district of _____ from the _____ area in accordance with the provisions of the proposed withdrawal plan filed with the school district clerk?"

Yes _____ No _____

If a majority of the voters present and voting shall vote in the affirmative, the clerk of the school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting. [~~If the board finds that a majority of the voters present and voting have voted in favor of the withdrawal plan, it shall be conclusive evidence of the withdrawal of the district and the continuation of the area or the dissolution of a 2-district area.~~]

VIII. The vote to withdraw from an area shall take effect on July 1 of the calendar year which shall be at least 2 years after the date on which the withdrawal vote is adopted. The plan may provide for an earlier date.

6 Days of School; Requirement Suspended. For the 2010-2011 school year only, RSA 189:1 shall not apply to any school district in the state.

7 Effective Date.

I. Sections 1, 2, 4, and 5 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Expands the duties of the school administrative unit legislative oversight committee by requiring the committee to study specific issues relative to cooperative school districts.

II. Requires the committee to study the advantages, disadvantages, and costs associated with consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each.

III. Makes various changes to the procedures for school district withdrawal from a school administrative unit or authorized regional enrollment area school.

IV. Provides that the days of school requirement shall be suspended for the 2010-2011 school year.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for the Majority of Education: This bill amends the requirements governing surety indemnification provided by a private postsecondary career school and authorizes the executive director of the postsecondary education commission to establish guidelines to exempt schools from providing surety indemnification after having paid into the guaranty fund for at least 5 years. The amendment corrects an unintended consequence by specifying legal entities that provide training to other legal entities, rather than to students, are not to be covered by this law. The amendment also provides that to obtain a license is completely voluntary. Schools deciding not to be licensed must state that they are not licensed. Vote 15-2.

Rep. J. R. Hoell for the Minority of Education: The bill, as amended by the majority of the committee, does benefit training schools that do not grant degrees, by making it optional for them to obtain a license from the postsecondary education commission. However, Section 3, Part V of the same amendment strongly encourages these schools to obtain a license, because if they don't get a license, they must prominently disclose, in all official correspondence and documentation of any kind and for any purpose, on websites and electronic medium, the fact that they are not licensed. The bill, as amended, seeks to remove one regulation and replace it with another regulation. It singles out a specific class of businesses, training schools that do not grant degrees and do not choose to be licensed, and requires them to state on all correspondence and documentation that they are not licensed. No other class of businesses must disclose this information. The minority believes that such disclosure will have a negative effect on business for these training schools. This requirement will create an additional burden for these private training entities. Training schools that choose to be licensed can always disclose the fact that they are licensed, and customers who care about licensing will seek out those schools. Lastly, who will enforce this new regulation and how much will it cost to enforce it? The minority amendment will correct this problem by changing three words in Section 3, Part V, eliminating this new regulation.

Majority Amendment (1819h)

Amend RSA 188-D:19, II as inserted by section 2 of the bill by replacing it with the following:

II. "Private postsecondary career school" shall not include barbering or cosmetology schools, schools offering training that has been approved by a state agency with appropriate jurisdiction over such training, including but not limited to the plumber's board, the electrician's board, the office of the state fire marshal, the division of fire standards and training and emergency medical services, and schools providing federally-required flight or ground instruction to students, or legal entities that license training and learning solutions primarily to other legal entities rather than to students. Amend the bill by replacing section 3 with the following:

3 Private Postsecondary Career Schools; Licenses and Fees. Amend RSA 188-D:20 to read as follows:

188-D:20 Licenses and Fees.

I. ~~[Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the executive director to determine if the entity requires a license. The executive director, in consultation with the postsecondary education commission, shall establish procedures to accomplish this review.~~

~~H-A]~~ ***Any private postsecondary career school maintaining a physical presence in this state and which assesses tuition or fees for providing vocational or occupational training [shall] may register to obtain a license or license renewal from the postsecondary education commission. Upon request by a school for a license or license renewal under this section, the executive director shall review such school to determine if the school meets the minimum criteria established for a license.*** The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the executive director~~[-in consultation with the postsecondary education commission]~~. The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees, and criteria for rejecting a licensing applicant and for suspending or revoking a license.

~~[H:]~~ ***II.*** A school ~~[that is not required to obtain a license may apply for a license and]~~, upon issuance of the license, shall be subject to the provisions of RSA 188-D:19 through RSA 188-D:28. Such school may voluntarily surrender its license and revert to its original status.

~~[IV:]~~ ***III.*** The executive director~~[-in consultation with the postsecondary education commission]~~ shall adopt rules pursuant to RSA 541-A to establish reasonable fines, reimbursement rates for consultants, and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this subdivision.

~~[V:]~~ ***IV.*** A private postsecondary career school which the executive director has determined ~~[requires a]~~ ***has met the minimum criteria for a license*** shall, prior to the issuance of a license, comply with ~~[RSA 188-D:20;]~~ RSA 188-D:20-a~~[-]~~ and RSA 188-D:20-b.

V. A school which elects not to be licensed under this section shall prominently disclose, in all official correspondence and documentation of any kind and for any purpose, on its Internet website, and in any other electronic medium used, the fact that it is not licensed as a private postsecondary career school in this state.

Amend RSA 188-D:20-b, I(d) as inserted by section 5 of the bill by replacing it with the following:

(d) The fund shall be used to reimburse students when a ***licensed*** school has failed to faithfully perform its contractual obligations for tuition and instructional fees in the event of a school closing, and the expense of investigating and processing the claims. ~~[The owner of]~~ ***A licensed*** school which fails to perform its contractual obligations shall be ~~[personally]~~ liable to reimburse the fund for the difference between the per student amount paid into the fund by the school and the amount paid out of the fund to a student to settle a claim made against the school.

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-10 to read as 10-11, respectively:

9 Regulation of Private Postsecondary Career Schools; Penalty. Amend RSA 188-D:28 to read as follows:

188-D:28 Penalty.

I. Whoever violates any provision of this subdivision shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whenever the executive director determines that a person is violating any provision of this subdivision or the rules adopted hereunder, the executive director shall request the attorney general, or other appropriate official having jurisdiction, to provide appropriate relief.

III. ~~[The executive director, upon verifying that a school is operating without a license, shall issue a cease and desist order to such school.]~~

IV. ~~IV.] The executive director shall notify the~~ postsecondary education commission ~~[shall be notified]~~ whenever a ~~[cease and desist order is issued to a school]~~ **violation has occurred**, or if a **licensed** school fails to provide the services required under a contract with any entity causing the bond to be forfeited~~[, or if a school is required to have a license but is operating without a license].~~
Rep. Balboni moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Education.

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for the Majority of Education: This bill extends the time from 3 years to 5 years required for a teacher to be entitled to rights of notification and hearing for failure to be renominated or re-elected. The feeling is that 5 years can give more time for development where an administrator can work with a borderline teacher. If the school is simply reducing the workforce, the reduction shall not be solely based on seniority. Finally, this bill limits the exclusive remedy available to a teacher on the issue of non-renewal to the same as it was prior to 2008, that is, a petition for review. Vote 13-4.

Rep. Barbara E. Shaw for the Minority of Education: The minority of the committee requested that the bill be divided or retained, but lost both suggestions. The minority agreed and were sympathetic with the extension of the probationary period from 3-5 years and, in addition, was favorable to the non-reelection clause stating that reduction in force shall not be based solely on seniority. Our serious concerns were regarding amendments to grievance procedures, specifically the elimination of collective bargaining.

Majority Amendment (1895h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the renomination or reelection of teachers and grievance procedures.

Amend the bill by replacing all after the enacting clause with the following:

1 Failure to be Renominated or Reelected. Amend RSA 189:14-a to read as follows:

189:14-a Failure to be Renominated or Reelected.

I.(a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May.

(b) Any such teacher who has taught for ~~[3 consecutive years or more in the same school district]~~ **5 consecutive years or more in the teacher's current school district, or who taught for 3 consecutive years or more in the teacher's current school district before July 1, 2011**, and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing.

II. Any teacher who has a professional standards certificate from the state board of education ~~[and who has taught for 3 consecutive years or more in any school district in the state]~~ shall, ~~[after having taught for 2 consecutive years in any other school district in the state;]~~ be entitled to all of the rights for notification and hearing in paragraphs I(b), III, and IV of this section if:

(a) **The teacher has taught for 5 consecutive years or more in any school district in the state and has taught for 3 consecutive years or more in the teacher's current school district; or**

(b) **Before July 1, 2011, the teacher taught for 3 consecutive years or more in any school district in the state and taught for 2 consecutive years or more in the teacher's current school district.**

III. In cases of nonrenomination [~~because of unsatisfactory performance, the superintendent of the local school district shall demonstrate, at the school board hearing, by a preponderance of the evidence, that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination~~] *or nonreelection because of reduction in force, the reduction in force shall not be based solely on seniority.*

IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence. *Except as provided in paragraph III, the grounds for nonrenomination and nonreelection shall be determined at the sole discretion of the school board.*

V. *"Teacher" means any professional employee of any school district whose position requires certification as a professional engaged in teaching. The term "teacher" shall also include principals, assistant principals, librarians, and guidance counselors.*

2 Review by State Board. Amend RSA 189:14-b, I to read as follows:

I. A teacher aggrieved by such decision may [~~either~~] petition the state board of education for review thereof [~~or request arbitration under the terms of a collective bargaining agreement, if applicable, but may not do both~~]. Such petition must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such petition, the state board shall notify the school board of the petition for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within 15 days after the petition for review is filed, and the decision of the state board shall be final and binding upon both parties. *A petition for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.*

3 Grievance Procedures. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. *No grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14-a shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement. "Grievance resulting from failure of a teacher to be renewed" means a grievance that challenges nonrenewal, or that seeks reversal or reinstatement from nonrenewal as a remedy.*

4 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill amends the length of time required for a teacher to be entitled to the rights of notification and hearing for failure to be renominated or reelected. This bill declares that in cases of nonrenomination or nonreelection because of reduction in force, the reduction in force shall not be based solely on seniority. This bill also limits a petition for review as the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher. Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Boehm spoke in favor.

Rep. Ladd spoke in favor and yielded to questions.

Rep. Gorman spoke against and requested a roll call; sufficiently seconded.

YEAS 253 NAYS 105

**YEAS 253
BELKNAP**

Accornero, Harry
Flanders, Donald

Bolster, Peter
Greemore, Robert

Comtois, Guy
Kingsbury, Robert

Fields, Dennis
Luther, Robert

Malone, Robert
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

Russell, David
Tobin, William

Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Belvin, William
Burt, John
Christensen, D.L. Chris
Daniels, Gary
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hikel, John
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Warden, Mark

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hinch, Richard
Hopper, Gary
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Barry, Richard
Boehm, Ralph
Cebrowski, John
Coffey, James
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Hansen, Peter
Hogan, Edith
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Timothy
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Smith, Todd

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abraimi, Patrick
Bates, David
Brown, Paul
DeSimone, Debra

Allen, Mary
Belanger, Ronald
Case, Frank
Devine, James

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Dowling, Patricia

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Duarte, Joe

Elliott, Robert
 Garrity, James
 Headd, James
 Itse, Daniel
 Lovejoy, Patricia
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Rice, Frederick
 Schroadter, Adam
 Smith, William
 Tremblay, Stella
 Waterhouse, Kevin

Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Kappler, Lawrence
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Peckham, Michele
 Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Tucker, Pamela
 Webb, James

Fesh, Robert
 Griffin, Mary
 Hutchinson, Karen
 Katsakiores, Phyllis
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Reagan, John
 Sanders, Elisabeth
 Sheffert, Kenneth
 Tamburello, Daniel
 Waddell, James
 Welch, David

Garcia, Marilinda
 Hagan, Joseph
 Introne, Robert
 Kolodziej, Walter
 Manuse, Andrew
 Murphy, Brian
 Oigny, Jeffrey
 Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Newton, Clifford
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 O'Connor, William
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 Panek, William
 Vita, Lucien

Groen, Warren
 Munck, Philip
 Parsons, Robbie

SULLIVAN

Bowers, Spec
 Laware, Thomas

Cunningham, Steven
 Osgood, Joe

Howard, Thomas
 Rodeschin, Beverly

LaCasse, Paul Sr
 Smith, Steven

NAYS 105

BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
 Lerandeau, Alfred
 Roberts, Kris

Chase, Cynthia
 Lindsey, Steven
 Sad, Tara

Hawkes, Samuel
 Meader, David
 Tatro, Bruce

Johnsen, Gladys
 Parkhurst, Henry
 Weed, Charles

COOS

Coulombe, Gary
 Richardson, Herbert

Hatch, William
 Theberge, Robert

Merrick, Evalyn
 Thomas, Yvonne

Remick, William

GRAFTON

Aguiar, James
 Gould, Franklin
 Smith, Suzanne

Almy, Susan
 Harding, Laurie
 Taylor, Kathleen

Benn, Bernard
 Nordgren, Sharon
 Townsend, Charles

Cooney, Mary
 Pierce, David
 White, Andrew

HILLSBOROUGH

Baroody, Benjamin
 Cote, David
 Gimás, John
 Hawkins, Kenneth
 Pilotte, Maurice
 Shaw, Barbara

Brown, Kevin
 Day, Russell
 Goley, Jeffrey
 Infantine, William
 Porter, Marjorie
 Sullivan, Daniel

Brunelle, Michael
 Garrity, Patrick
 Gorman, Mary
 Judy, Jean
 Rhodes, Brian

Campbell, David
 Gidge, Kenneth
 Graham, John
 Long, Patrick
 Rokas, Ted

MERRIMACK

Bouchard, Candace
 Gile, Mary
 Patten, Dick
 Shurtleff, Stephen

Deloge, Helen
 Hamm, Christine
 Potter, Frances
 Wallner, Mary Jane

DeStefano, Stephen
 MacKay, James
 Rice, Chip
 Watrous, Rick

Foose, Robert
 Owen, Derek
 Richardson, Gary
 Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Powers, James
Schlachman, Donna

Copeland, Timothy
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

DiPentima, Rich
Perkins, Amy
Quandt, Matt
Sullivan, Kevin

Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Sytek, John

STRAFFORD

Berube, Roger
Grassie, Anne
Roberts, Jenna
Sprague, Dale

Brown, Julie
Hooper, Dorothea
Schmidt, Peter
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Spainhower, Dale
Watters, David

Ginsburg, Philip
Kaen, Naida
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

SB 56-FN, authorizing the department of revenue administration to accept credit card and debit card payments of taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Finance: This bill provides a convenience for businesses or individuals to pay their tax bills by credit card. The committee amendment guarantees that the department of revenue administration will properly notify those paying that the cost from the credit card company will be added to the payment. Thus, the state will lose no money with this bill. In fact, there is evidence that this bill will save the state money since DRA numbers indicate it costs approximately \$2.23 to process a check (\$592,553 divided by 265,000 checks). DRA will negotiate the best rate available from a credit card company through an open bidding process. Nothing in this bill will require any entity or person to pay by credit card. Vote 26-0.

Amendment (1837h)

Amend the bill by replacing section 1 with the following:

1 New Section; Credit or Debit Card Payment. Amend RSA 21-J by inserting after section 43 the following new section:

21-J:43-a Credit or Debit Card Payment. The commissioner of the department of revenue administration and any authorized employee or agent of the commissioner may accept credit cards or debit cards for the online payment of any of the taxes, penalties, interest, or fees administered by the commissioner or collected by the department. The amount of any service charge required to be paid by the taxpayer to the credit card or debit card service provider to cover the provider's cost of this service shall be determined by the department through a competitive bid process, and the service provider shall add this charge to the amount due, in addition to any tax, penalties, and interest payable. The department, at the time of billing, shall disclose the amount of the service charge to the taxpayer. The commissioner shall adopt rules, pursuant to RSA 541-A, as necessary for the administration of such electronic transactions.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 58-FN-A, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne M. Ober for Finance: Finance was the second committee on this bill. While examining the fiscal impact to the state, it was discovered that the policy, as previously passed, would open the door for the filing of amended tax returns and possibly receiving a retroactive tax refund. The committee amendment ensures that it only applies to the current and future tax years thus prohibiting the possibility of retroactive tax refunds. The committee felt that it was important to emphasize that the interest and dividends tax was never intended to include capital gains. Vote 25-0.

Amendment (1859h)

Amend the bill by replacing section 6 with the following:

6 Applicability. Sections 1-3 of this act shall apply to taxable periods ending on or after December 31, 2010. Sections 4 and 5 of this act shall apply to taxable periods beginning on or after January 1, 2011, and also to taxable periods ending before January 1, 2011 if the taxable period is subject to assessment of tax and appealed pursuant to RSA 21-J:28-b.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul H. Simard for the Majority of Finance: This bill requires all departments to deliver to the commissioner of administrative services an estimate for reduced levels of expenditures of 10% for each year of the biennium. This estimate shall not include debt service. This estimate shall be used by the finance committee to formulate its budget. The amendment increases the original 5% to 10% to amplify department priorities. The 10% figure will communicate department priorities for budgeting purposes. Estimates will be completed by November 15 prior to each biennial legislative session. Vote 17-7.

Rep. John W. Cebrowski for the Minority of Finance: Earlier this year as we were launching into our budget work, the committee heard, and retained for study, HB's 618 and 269 which dealt with budget process improvement at the departmental/agency level and the subsequent benefits to the legislative budget process, the state and our constituents. (The budget itself, rightfully, had top priority at the time.) Both bills recognized the inadequacies and wastefulness of the current process and the immense opportunity to strengthen New Hampshire's budget creation process. Both bills drew on the suggestions contained in the ALEC (American Legislative Exchange Council) "State Budget Reform Toolkit." Both bills sought to drive continuous improvement, reform, innovation and the use of performance metrics. Both bills sought to cut spending. SB 146, although lacking in every one of those elements, with the exception of reducing spending, should have also been retained. While overly simplistic and perilous to the departments and to our constituents to take a 10% across-the-board ax to budgets, SB 146 deserves to be integrated into the study. The minority believes the bill should be retained so it can be studied alongside the other two budget process improvement bills.

Majority Amendment (1883h)

Amend RSA 9:4, III(a)(1) and (2) as inserted by section 1 of the bill by replacing them with the following:

(1) An estimate for a reduced level of expenditure for the first year of the next biennium that is 10 percent, not including debt service, less than the actual expenses of the first year of the current biennium.

(2) An estimate for a reduced level of expenditure for the second year of the next biennium that is 10 percent, not including debt service, less than the budget and any footnote adjustments or subsequent appropriations, additions, or reductions, implemented in the second year of the current biennium.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Foose spoke against and yielded to questions.

Rep. Lynne Ober spoke in favor and yielded to questions.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 257 NAYS 101

YEAS 257

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tobin, William

Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Hawkes, Samuel
Moore, Robert Jr

Cartwright, Anne
Hunt, John
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Sterling, Franklin Jr

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sorg, Gregory

Brosseau, Charles
Ladd, Rick Jr
Sova, Charles

Eaton, Stephanie
Mirski, Paul

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Balboni, Michael
Bergevin, Jerry
Burt, John
Christiansen, Lars
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Warden, Mark

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Coffey, James
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegirino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Barry, Richard
Brown, Kevin
Champagne, Norma
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gimas, John
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

Belvin, William
Brownrigg, Randall Jr
Christensen, D.L. Chris
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
DeSimone, Debra
Elliott, Robert

Allen, Mary
Belanger, Ronald
Case, Frank
Devine, James
Ferrante, Beverly

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Dowling, Patricia
Fesh, Robert

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda

Garrity, James
Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Headd, James
Itse, Daniel
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Hoelzel, Kathleen
Kappler, Lawrence
Lundgren, David
McMahon, Charles
Okerman, Richard
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Groen, Warren
Munck, Philip
Parsons, Robbie

Brown, Julie
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 101 BELKNAP

Bolster, Peter

CARROLL

Scala, Dino

CHESHIRE

Butynski, William
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meader, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Lerandeau, Alfred
Roberts, Kris

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Pierce, David
Townsend, Charles

Almy, Susan
Gould, Franklin
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Harding, Laurie
Smith, Suzanne

Bulis, Lyle
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Moran, Edward
Robbins, David

Belanger, James
Gargas, Carolyn
Gorman, Mary
Pilote, Maurice
Rokas, Ted

Campbell, David
Garrity, Patrick
Judy, Jean
Porter, Marjorie
Shaw, Barbara

Cebrowski, John
Gidge, Kenneth
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June

Deloge, Helen
Gile, Mary

DeStefano, Stephen
Hamm, Christine

Foose, Robert
Kidder, David

MacKay, James
Rice, Chip
Watrous, Rick

Owen, Derek
Richardson, Gary
Williams, Robert

Patten, Dick
Shurtleff, Stephen

Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Hagan, Joseph
Perkins, Lawrence
Serlin, Christopher

Copeland, Timothy
Moody, Marcia
Powers, James

DiPentima, Rich
Norelli, Terie
Read, Robin Jr

Gould, Kenneth
Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Berube, Roger
Hooper, Dorothea
Schmidt, Peter
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Spainhower, Dale
Watters, David

Ginsburg, Philip
Kaen, Naida
Spang, Judith

Grassie, Anne
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. **OUGHT TO PASS.**

Rep. Lynne M. Ober for Finance: SB 161 is the result of a lean process analysis by stakeholders on how to streamline the administrative rules process. After a thorough vetting by the policy committee, which felt the bill makes several changes, including shortening the public comment period following a public hearing from 10 to 5 days, providing for electronic publication of the rules register, authorizing agencies to hold a second public hearing when substantive changes are made in response to public comments at the initial public hearing, expanding the life-span of rules from 8 to 10 years, making provisions for allowing incorporation by reference of Internet content, allowing emergency rules to be adopted when substantial fiscal harm could occur if not addressed expeditiously and requiring the director of legislative services to develop a process for expedited re-adoption of rules which contain no substantive changes, the bill was sent to House Finance. After reviewing the financial impact of the bill to the state, the House Finance Committee concluded that there was little identifiable financial impact and recommended passage of the bill. Vote 24-0. Rep. Giuda spoke against and yielded to questions.

Reps. Lynne Ober, Carol McGuire and Betsey Patten spoke in favor and yielded to questions.

On a division vote, 233 members having voted in the affirmative and 121 in the negative, the committee report was adopted.

Ordered to third reading.

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine. **OUGHT TO PASS.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This legislation requires the New Hampshire department of labor to issue one warning for certain violations of law instead of a fine. Violations of laws that pose a threat to public safety or where the employer intends to cause harm will not be afforded a written warning. All warnings require the employer to correct the violation within a thirty day period. The department of labor worked closely with the Senate to craft this bill so as not to allow serious violations to go unpunished. Vote 13-3. Committee report adopted and ordered to third reading.

SB 121, relative to the application of the worker adjustment and retraining notification act. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joanne A. Ward for the Majority of Labor, Industrial and Rehabilitative Services: This bill raises the threshold for companies affected by the WARN Act from 75 to 100 employees. This law provides protection to workers and communities by requiring employers to provide notification 60 calendar days in advance of closings and mass layoffs. New Hampshire is currently the only state in New England with a threshold lower than 100. Raising the limit to 100 helps New Hampshire to become more attractive to businesses seeking to relocate, creating employment opportunities. Vote 13-3.

Rep. Charles F. Weed for the Minority of Labor, Industrial and Rehabilitative Services: The minority believes that the employees of all businesses deserve notification of imminent closing within 60 days of the closing date. Moving the threshold for requiring notification from 75 to 100 employees may affect about 150 New Hampshire companies. Existing law allows exemptions for good faith confidential efforts in pursuit of bank loans. New Hampshire should not aim its recruitment of new firms toward those companies that would close their doors without advance notification to workers.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Infantine spoke in favor.

Rep. Weed spoke against and requested a roll call; sufficiently seconded.

YEAS 259 NAYS 100

YEAS 259

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Shackett, Jeffrey

HILLSBOROUGH

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Katsiantonis, Thomas
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony

Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette

Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin

Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Warden, Mark

Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Todd

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Allen, Mary
Belanger, Ronald
Case, Frank
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Peckham, Michele
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Munck, Philip
Parsons, Robbie

Brown, Julie
Jones, Kyle
Newton, Clifford
Pitre, Joseph

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 100 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meader, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Remick, William

Richardson, Herbert

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pierce, David
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gorman, Mary
Judy, Jean	Long, Patrick	Pepino, Leo	Pilotte, Maurice
Porter, Marjorie	Ramsey, Peter	Rhodes, Brian	Rokas, Ted
Shaw, Barbara	Sullivan, Daniel		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	MacKay, James
Owen, Derek	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Richardson, Jon	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Dowling, Patricia	Hutchinson, Karen
Lovejoy, Patricia	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Perkins, Amy	Perkins, Lawrence	Powers, James	Quandt, Marshall
Quandt, Matt	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Sprague, Dale
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report was adopted and ordered to third reading.

Rep. Merrick did not vote and notified the Clerk that she wished to be recorded against.

Rep. Rappaport did not vote and notified the Clerk that he wished to be recorded in favor.

The House recessed at 12:05 p.m.

RECESS**(Rep. Chandler in the Chair)**

The House reconvened at 1:15 p.m.

REGULAR CALENDAR (CONT'D)

SB 27, relative to speed limitations for boats. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brian D. Rhodes for the Majority of Transportation: The committee heard overwhelming testimony from legislators and New Hampshire citizens against SB 27. This bill attempts to create an area on Lake Winnepesaukee where daytime speed limits would be raised to 55 mph. This increase would be 10 mph over the current limit. Our previous legislature worked very hard on the compromises that are now current law. Powerful testimony was given by lake residents and business owners as to how conditions on the big lake have drastically improved since the current legislation was enacted. Business leaders further testified that response from patrons has been extremely positive since the enactment of the existing law. The bipartisan majority of the transportation committee believes very strongly that "the lake" belongs to all residents and is not trying to single out a particular type of boat/owner, but after several hours of testimony we would not be protecting the interest and safety of the majority of our citizens and visitors if we changed the current law. Documented support for ITL of this bill was approximately 7 to 1 on the day of the public hearing. Vote 11-6.

Rep. Kyle D. Jones for the Minority of Transportation: The minority is in support of this bill because there is no evidence that supports the notion that speed alone affects safety. There are many factors that can affect the safety of a lake including closeness to shore, distance between boats, alcohol consumption, etc. The minority believes that the bi-partisan Senate compromise on this bill is a fair one. The increase in speed would only affect the vast area known as the broads, which is approximately 30 square miles or about the size of 14 Manchester airports. This basically boils down to a liberty issue. As long as a boater follows Coast Guard Rule 6, we believe that they should be able to travel at a speed they believe is safe and courteous.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Burt, Comtois, Warden and Manuse spoke against.

Reps. Hikel and Bowers spoke against and yielded to questions.

Reps. Tobin, James Belanger, Bolster, Pilliod, Millham, Flanders and Hinch spoke in favor.

Reps. Swinford and Tregenza spoke in favor and yielded to questions.

Rep. Rhodes requested a roll call; sufficiently seconded.

YEAS 276 NAYS 75

YEAS 276

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Kingsbury, Robert	Luther, Robert	Millham, Alida	Pilliod, James
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine
Tobin, William	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Patten, Betsey	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Chase, Cynthia
Dwinell, Richard	Emerson, Susan	Hawkes, Samuel	Johnsen, Gladys
Johnson, Jane	Lerandeau, Alfred	Lindsey, Steven	Meador, David
Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Sterling, Franklin Jr	Tatro, Bruce	Weed, Charles	

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Merrick, Evalyn
Rappaport, Laurence	Remick, William	Richardson, Herbert	Theberge, Robert
Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Brosseau, Charles	Bulis, Lyle	Cooney, Mary	Eaton, Stephanie
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pierce, David	Simard, Paul	Smith, Suzanne	Sorg, Gregory
Sova, Charles	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Barry, J. Gail	Belanger, James
Belvin, William	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Brunelle, Michael	Buxton, Michael	Campbell, David	Cebrowski, John
Champagne, Norma	Christiansen, Lars	Coffey, James	Cote, David
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gargas, Carolyn
Gidge, Kenneth	Gimas, John	Gonzalez, Carlos	Gorman, Mary

Graham, John
Hardwick, Harry
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Ohm, Bill
Pepino, Leo
Proulx, Mark
Robbins, David
Seidel, Carl
Stroud, Kathleen
Villeneuve, Moe

Greazzo, Phil
Hinch, Richard
Jeudy, Jean
Long, Patrick
Messier, Irene
Palmer, Barry
Peterson, Lenette
Ramsey, Peter
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Whitehead, Randall

Haefner, Robert
Hutchinson, Winfred
Krasucki, Joseph
Marcus, Bruce
Notter, Jeanine
Palmer, Stephen
Pilotte, Maurice
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Terrio, Ross
Willette, Robert

Hansen, Peter
Infantine, William
Kurk, Neal
McClarren, Donald
Ober, Lynne
Pellegrino, Tony
Porter, Marjorie
Rhodes, Brian
Scontosas, Lisa
Souza, Kathleen
Twombly, Timothy

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Hamm, Christine
Kotowski, Frank
MacKay, James
Palfrey, David
Richardson, Gary
Smith, Todd
Winter, Steven

Bouchard, Candace
Foose, Robert
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Patten, Dick
Richardson, Jon
Wallner, Mary Jane

Cox, Sean
Frazer, June
Keane, Thomas
Lindsley, Mark
McGuire, Carol
Potter, Frances
Shurtleff, Stephen
Watrous, Rick

Deloge, Helen
Gile, Mary
Kidder, David
Lockwood, Priscilla
Owen, Derek
Rice, Chip
Smith, Molly
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Katsakiores, Phyllis
Major, Norman
Nevins, Chris
Peckham, Michele
Quandt, Marshall
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Welch, David

Allen, Mary
Birdsell, Regina
Copeland, Timothy
DiPentima, Rich
Fesh, Robert
Hagan, Joseph
Kolodziej, Walter
Mauro, Donna
Norelli, Terie
Perkins, Amy
Read, Robin Jr
Schlachman, Donna
Sheffert, Kenneth
Waddell, James
Weyler, Kenneth

Azarian, Gary
Cali-Pitts, Jacqueline
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hadd, James
Lovejoy, Patricia
Moody, Marcia
Oigny, Jeffrey
Perkins, Lawrence
Reagan, John
Schroader, Adam
Shuler, Wyman III
Ward, Joanne

Belanger, Ronald
Case, Frank
DeSimone, Debra
Elliott, Robert
Gould, Kenneth
Kappler, Lawrence
Lundgren, David
Murphy, Brian
Pantelakos, Laura
Powers, James
Rice, Frederick
Sedensky, John
Smith, William
Webb, James

STRAFFORD

Andolina, Donald
Cataldo, Sam
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Vita, Carol

Berube, Roger
DeLemus, Susan
Hooper, Dorothea
Munck, Philip
Spainhower, Dale
Wall, Janet

Brown, Julie
Domingo, Baldwin
Horrigan, Timothy
Parsons, Robbie
Spang, Judith
Watters, David

Browne, Brendon
Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Lovett, Charlene
Smith, Steven

Gagnon, Raymond
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Lefebvre, Benjamin
Schmidt, Andrew

NAYS 75

BELKNAP

Comtois, Guy

Greemore, Robert

Malone, Robert

CARROLL

Merrow, Harry	Pettengill, Laurie	Scala, Dino
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CHESHIRE

Hunt, John	Moore, Charles	Smith, Edwin
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COOS

None

GRAFTON

Gionet, Edmond	Ingbretson, Paul	Mirski, Paul
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HILLSBOROUGH

Barry, Richard	Burt, John	Christensen, D.L. Chris	DeJong, Cameron
Hawkins, Kenneth	Hikel, John	Hogan, Edith	Hogan, Timothy
Holden, Frank	Maltz, Jonathan	McCarthy, Michael	McGuinness, Sean
Moran, Edward	Murphy, Keith	Ober, Russell III	Parison, James
Pratt, Calvin	Simmons, Tammy	Stepanek, Stephen	Swank, Matthew
Vaillancourt, Steve	Warden, Mark		

MERRIMACK

Cohn, Seth	Giuda, J. Brandon	Hoell, J.R.	McGuire, Dan
Seaworth, G. Brian			

ROCKINGHAM

Antosz, Jason	Baldasaro, Alfred	Bates, David	Brown, Paul
Dowling, Patricia	Garrity, James	Hoelzel, Kathleen	Itse, Daniel
MacMahon, Bruce	Manuse, Andrew	McMahon, Charles	O'Connor, John
Okerman, Richard	Packard, Sherman	Quandt, Matt	Reichard, Kevin
Ritter, Glenn	Sapareto, Frank	Sullivan, Kevin	Sytek, John
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Tucker, Pamela

STRAFFORD

Groen, Warren	Jones, Kyle	Jones, Laura	Newton, Clifford
O'Connor, William	Panek, William	Pitre, Joseph	Vita, Lucien

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	Laware, Thomas
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and the majority committee report was adopted.

(Speaker O'Brien in the Chair)

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Murphy for the Majority of Ways and Means: This bill segregates revenue collected by the act of operating the nursing assistant registry from revenue obtained by the board of nursing through other means, such as fees, fines and administrative charges. This segregation was a recommendation made in response to an LBA audit report dated 12/31/2008. The committee amendment clarifies that the revenues shall continue to be deposited in the general fund and deletes Section 1, a section that defined "nurse" as someone licensed as an APRN, RN, or LPN. Section 1 of this bill created many questions that could best be resolved by the ED&A or the Health and Human Services Committees. The committee heard testimony that licensed nurses are already required by statute to wear identification at work and the committee felt that it was more important to enforce current law than to add a change in definition at this time. The committee felt that the definition of nurse can be addressed in a separate bill. Vote 14-5.

Rep. William A. Hatch for the Minority of Ways and Means: The purpose of SB 53 is to define the term nurse and establish a nursing assistant fund to be administered by the board of nursing. It was agreed that this bill should have been sent to ED&A or the policy committee of Health and Human

Services prior to Ways and Means to address the issue of legally defining the term “Nurse” and Ways and Means as a second committee to review the fund activity. Considering this, the majority felt section 1 that defined nurse was not within the purview of Ways and Means and amended the bill to eliminate that portion of the bill. The minority disagreed that this section should be eliminated when considering the testimony from the agency stated it is very important to have this definition included. They noted it was necessary to clearly define a nurse as an APRN, RN or LPN so the public can readily identify what level of nurse is providing their treatment. The minority amendment restores the definition which was the original intent of the bill.

Majority Amendment (1582h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the nursing assistant registry administered by the board of nursing.

Amend the bill by replacing all after the enacting clause with the following:

1 Collection of Funds; Reference Corrected. Amend RSA 326-B:6 to read as follows:

326-B:6 Collection and Expenditure of Funds. The board shall receive and expend funds provided such funds are received and expended for the pursuit of the objectives authorized by this chapter. Fees, fines, and administrative charges, ~~[other than]~~ **including** those ~~[collected pursuant]~~ **related to** RSA ~~[326-B:8]~~ **326-B:26**, shall be deposited in the general fund.

2 Nursing Assistant Registry. Amend RSA 326-B:26 to read as follows:

326-B:26 ~~[Licensed]~~ Nursing Assistant Registry. The board shall maintain a registry of nursing assistants ~~[licensed]~~ who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered ~~[or licensed]~~ shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

3 Repeal. The following are repealed:

I. RSA 326-B:7, relative to the nursing assistant fund.

II. RSA 6:12, I(b)(24), relative to moneys credited to the board of nursing’s nursing assistant fund.

4 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill clarifies the nursing assistant registry administered by the board of nursing.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank V. Sapareto for the Majority of Ways and Means: This bill solves the issue of reasonable compensation for LLC’s. It places the burden of disproving the deduction with the department of revenue administration as opposed to the taxpayer proving the deduction. It uses the commonly accepted standards of the Internal Revenue Code Section 162A and its record keeping requirements. It retains the \$50,000 safe-harbor as in current law and only applies to the taxable periods after January 1, 2011. All pending cases with the DRA prior to January 1, 2011 shall remain unaffected. This bill is a comprehensive clarification supported by the business industry in response to over aggressive audits. Vote 16-5.

Rep. Susan W. Almy for the Minority of Ways and Means: The minority agrees that the amendment goes a long way to sorting out how shifting the burden of proof from the taxpayer to the department of revenue would work. The minority is apprehensive about any revenue loss in such challenging times. A few other states tried to shift the burden of proof years ago and shifted back immediately due to severe revenue losses.

Majority Amendment (1717h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

Amend the bill by replacing all after section 1 with the following:

2 Clarification of Reasonable Compensation Deduction. RSA 77-A:4, III is repealed and reenacted as follows:

III.(a) In the case of a proprietorship, partnership, or limited liability company filing a business profits tax return as a proprietorship or partnership, a deduction equal to a fair and reasonable compensation for the actual personal services of a natural person who is a proprietor, partner, or member provided to the business organization; provided, however, that the amount of such deduction shall not reduce such business organization's taxable business profits to less than zero. The purpose of this paragraph is to permit a deduction from gross business profits of such a proprietorship, partnership, or limited liability company of all amounts that are fairly attributable to the actual personal services of the proprietor, partner, or member. Such amounts shall not exceed the amount reported as earned income on the federal income tax returns of the proprietor, partner, or member, but may also include an amount not to exceed net rental income as compensation for operating rental property, and an amount not to exceed 15 percent of the gross selling price as commissions on the sale of business assets.

(b) Subject to the provisions of subparagraph (c) which establishes a record-keeping safe harbor, the method of determining the amount of the deduction available to the business organization allowed under this paragraph shall be by using the standards set forth in section 162(a)(1) of the United States Internal Revenue Code, as it may be amended from time to time, and the Treasury Regulations, administrative rulings, and judicial cases issued thereunder. The business organization shall keep such records as may be necessary to determine that the deduction is reasonable under these standards.

(c) In lieu of substantiating the value of the personal services of proprietors, partners, or members, a business organization or group of related business organizations may elect, as a record-keeping safe harbor, to deduct up to \$50,000 as total compensation for the tax year;

(d)(1) In this paragraph, "record-keeping safe harbor" means that amount of compensation for personal services claimed by a business organization which does not need to be substantiated by any evidence, records, or legal or regulatory authority, except as provided in subparagraph (e).

(2) Notwithstanding subparagraph III(d)(1), the record-keeping safe harbor shall not be relevant or admissible for any purpose in determining whether a compensation deduction claimed in an amount in excess of any such record-keeping safe harbor is fair and reasonable.

(e) A business organization or group of related business organizations may elect the record-keeping safe harbor option in subparagraph III(c) without a redetermination of the reasonableness of the deduction by the commissioner. Any such deduction claimed by the business organization or group of related business organizations shall not be subject to challenge; provided, that upon request, the business organization or group of related business organizations shall be required to substantiate that the proprietor or at least one partner or member performed actual personal services for the business organization or group of related business organizations.

(f) Related business organizations electing not to substantiate the extent of the actual personal services of their proprietors, partners, and members, shall be limited to the record-keeping safe harbor deduction, less any owners' compensation taken on the federal tax returns of corporate members of the group, allocated among the related business organizations. For the purposes of RSA 77-A:4, III, "related business organizations" are unitary business organizations and business organizations that would qualify as unitary but for the fact that they conduct business only within the state.

(g) A business organization claiming a deduction under this paragraph shall bear the burden of proving that all proprietors, partners, or members for whom a deduction is being claimed provided actual personal services to the business organization at any time during the taxable period. Once a business organization has satisfied this burden of proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the business organization is clearly unreasonable.

3 New Paragraph; Appeal for Redetermination or Reconsideration; Procedure. Amend RSA 21-J:28-b by inserting after paragraph VII the following new paragraph:

VIII. The department shall bear the burden of proof on any change to any compensation deduction under RSA 77-A determined by examination.

4 New Section; Interest and Dividends Tax; Excess Compensation. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Dividend. Excess compensation determined by audit of the department shall not be considered a dividend under this chapter unless such determination is accepted by the Internal Revenue Service.

5 Taxpayer Records. Amend RSA 77-A:11, I to read as follows:

I. Keep such records as may be necessary to determine the amount of its liability under this chapter *and to determine whether the compensation claimed as a deduction under RSA 77-A:4, III is reasonable*;

6 Applicability. This act shall apply with respect to taxable periods beginning on or after January 1, 2011.

7 Effective Date. This act shall take effect upon its passage.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 340 NAYS 9

YEAS 340

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Bolster, Peter
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tobin, William

Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Emerson, Susan
Johnson, Jane
Moore, Charles
Sad, Tara
Weed, Charles

Cartwright, Anne
Hawkes, Samuel
Lerandeau, Alfred
Moore, Robert Jr
Smith, Edwin

Chase, Cynthia
Hunt, John
Lindsey, Steven
Parkhurst, Henry
Sterling, Franklin Jr

Dwinell, Richard
Johnsen, Gladys
Meader, David
Roberts, Kris
Tatro, Bruce

COOS

Coulombe, Gary
Remick, William
Thomas, Yvonne

Daugherty, Duffy
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Brosseau, Charles
Gionet, Edmond
Ladd, Rick Jr
Simard, Paul
Taylor, Kathleen

Almy, Susan
Bulis, Lyle
Gould, Franklin
Mirski, Paul
Smith, Suzanne
Townsend, Charles

Benn, Bernard
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Sorg, Gregory
White, Andrew

Bradley, Lester
Eaton, Stephanie
Ingbertson, Paul
Pierce, David
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Campbell, David
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos

Baroody, Benjamin
Belvin, William
Brunelle, Michael
Cebrowski, John
Coffey, James
Day, Russell
Drisko, Richard
Gagne, Larry
Gorman, Mary

Barry, J. Gail
Boehm, Ralph
Burt, John
Champagne, Norma
Cote, David
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Graham, John

Barry, Richard
Brown, Kevin
Buxton, Michael
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gimas, John
Greazzo, Phil

Haefner, Robert
 Hikel, John
 Holden, Frank
 Jeudy, Jean
 Long, Patrick
 McClarren, Donald
 Moran, Edward
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Rhodes, Brian
 Scontsas, Lisa
 Simmons, Tammy
 Stroud, Kathleen
 Twombly, Timothy
 Whitehead, Randall

Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 Krasucki, Joseph
 Maltz, Jonathan
 McGuinness, Sean
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Robbins, David
 Seidel, Carl
 Soucy, Connie
 Sullivan, Daniel
 Vaillancourt, Steve
 Willette, Robert

Hardwick, Harry
 Hogan, Edith
 Infantine, William
 Kurk, Neal
 Marcus, Bruce
 Mecheski, Holly
 Notter, Jeanine
 Palmer, Barry
 Peterson, Lenette
 Ramsey, Peter
 Rokas, Ted
 Shaw, Barbara
 Souza, Kathleen
 Swank, Matthew
 Villeneuve, Moe

Hawkins, Kenneth
 Hogan, Timothy
 Jasper, Shawn
 LeBrun, Donald
 McCarthy, Michael
 Messier, Irene
 Ober, Lynne
 Palmer, Stephen
 Porter, Marjorie
 Renzullo, Andrew
 Rowe, Robert
 Silva, Peter
 Stepanek, Stephen
 Terrio, Ross
 Warden, Mark

MERRIMACK

Blankenbeker, Lynne
 Deloge, Helen
 Gile, Mary
 Hoell, J.R.
 Kreis, Kenneth Sr
 McDonnell, John
 Palfrey, David
 Richardson, Jon
 Smith, Todd
 Winter, Steven

Bouchard, Candace
 DeStefano, Stephen
 Giuda, J. Brandon
 Keane, Thomas
 Lindsley, Mark
 McGuire, Carol
 Potter, Frances
 Seaworth, G. Brian
 Wallner, Mary Jane

Cohn, Seth
 Foose, Robert
 Hamm, Christine
 Kidder, David
 Lockwood, Priscilla
 McGuire, Dan
 Rice, Chip
 Shurtleff, Stephen
 Watrous, Rick

Cox, Sean
 Frazer, June
 Hill, Gregory
 Kotowski, Frank
 MacKay, James
 Owen, Derek
 Richardson, Gary
 Smith, Molly
 Williams, Robert

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Birdsell, Regina
 Chirichiello, Brian
 Devine, James
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Kolodziej, Walter
 Manuse, Andrew
 Murphy, Brian
 Okerman, Richard
 Peckham, Michele
 Quandt, Marshall
 Reichard, Kevin
 Schlachman, Donna
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Welch, David

Allen, Mary
 Bates, David
 Brown, Paul
 Copeland, Timothy
 DiPentima, Rich
 Ferrante, Beverly
 Griffin, Mary
 Itse, Daniel
 Lovejoy, Patricia
 Mauro, Donna
 Nevins, Chris
 Oligny, Jeffrey
 Perkins, Amy
 Quandt, Matt
 Rice, Frederick
 Schroadter, Adam
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Weyler, Kenneth

Antosz, Jason
 Belanger, Ronald
 Cali-Pitts, Jacqueline
 Davenport, Joshua
 Dowling, Patricia
 Fesh, Robert
 Hagan, Joseph
 Kappler, Lawrence
 MacMahon, Bruce
 McMahon, Charles
 Norelli, Terie
 Packard, Sherman
 Perkins, Lawrence
 Read, Robin Jr
 Sanders, Elisabeth
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne

Azarian, Gary
 Bettencourt, David
 Case, Frank
 DeSimone, Debra
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Katsakiores, Phyllis
 Major, Norman
 Moody, Marcia
 O'Connor, John
 Pantelakos, Laura
 Powers, James
 Reagan, John
 Sapareto, Frank
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Webb, James

STRAFFORD

Andolina, Donald
 Cataldo, Sam
 Grassie, Anne
 Jones, Laura
 Newton, Clifford

Berube, Roger
 DeLemus, Susan
 Groen, Warren
 Kaen, Naida
 O'Connor, William

Brown, Julie
 Domingo, Baldwin
 Hooper, Dorothea
 Keans, Sandra
 Panek, William

Browne, Brendon
 Ginsburg, Philip
 Jones, Kyle
 Munck, Philip
 Parsons, Robbie

Pitre, Joseph
Spang, Judith
Wall, Janet

Roberts, Jenna
Sprague, Dale
Watters, David

Schmidt, Peter
Vita, Carol

Spainhower, Dale
Vita, Lucien

SULLIVAN

Bowers, Spec
Howard, Thomas
Lovett, Charlene
Smith, Steven

Cloutier, John
LaCasse, Paul Sr
Osgood, Joe

Cunningham, Steven
Laware, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

NAYS 9**BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William

COOS

Hatch, William

GRAFTON

None

HILLSBOROUGH

Gidge, Kenneth

Pepino, Leo

Pilotte, Maurice

MERRIMACK

Patten, Dick

ROCKINGHAM

Gould, Kenneth

Serlin, Christopher

STRAFFORD

Horrigan, Timothy

SULLIVAN

None

and the majority committee report was adopted and ordered to third reading.

HOUSE RESOLUTION 12

A RESOLUTION affirming revenue estimates for fiscal years 2011, 2012, and 2013.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2011, 2012, 2013 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2011, 2012, and 2013.

GEN'L & ED**TRUST FUNDS**

		<u>FY 2011</u>		<u>FY 2012</u>		<u>FY 2013</u>	
	Official Estimate	HR 11	Updated Committee Estimate	HR 11	Updated Committee Estimate	HR 11	Updated Committee Estimate
(Dollars in Millions)(Ch.1, L'10 SS)							
Business Profits Tax	\$313.300	\$308.317	\$304.206	\$314.555	\$310.265	\$323.944	\$319.654
Business Enterprise Tax	<u>\$189.700</u>	<u>\$186.683</u>	<u>\$184.194</u>	<u>\$190.445</u>	<u>\$187.935</u>	<u>\$196.056</u>	<u>\$193.446</u>
Subtotal	\$503.000	\$495.000	\$488.400	\$505.000	\$498.200	\$520.000	\$513.100

Meals & Rooms Tax	\$245.000	\$234.000	\$234.000	\$229.200	\$229.200	\$234.300	\$234.300
Tobacco Tax	\$220.600	\$228.000	\$228.000	\$221.000	\$221.000	\$214.400	\$214.400
Liquor Sales	\$127.900	\$126.800	\$126.800	\$130.300	\$130.300	\$135.000	\$135.000
Interest & Dividends Tax	\$90.100	\$83.700	\$77.000	\$85.400	\$78.500	\$87.100	\$80.000
Insurance Tax	\$80.500	\$80.500	\$80.500	\$86.100	\$86.100	\$86.800	\$86.800
Communications Tax	\$75.000	\$79.400	\$79.400	\$80.200	\$80.200	\$81.000	\$81.000
Real Estate Transfer Tax	\$89.200	\$78.000	\$78.000	\$79.600	\$79.600	\$81.200	\$81.200
Court Fines & Fees	\$13.200	\$13.600	\$13.600	\$13.600	\$13.600	\$13.600	\$13.600
Securities Revenue	\$34.000	\$34.300	\$34.300	\$35.100	\$35.100	\$35.900	\$35.900
Utility Consumption Tax	\$6.000	\$6.000	\$6.000	\$6.000	\$6.000	\$6.000	\$6.000
Board & Care Revenue	\$20.200	\$20.200	\$20.200	\$20.500	\$20.500	\$21.000	\$21.000
Beer Tax	\$12.800	\$13.100	\$13.100	\$13.100	\$13.100	\$13.100	\$13.100
Racing & Games of Chance	\$2.900	\$2.300	\$2.400	\$2.300	\$2.600	\$2.400	\$2.600
Other	\$67.800	\$68.700	\$68.700	\$69.100	\$69.100	\$68.700	\$68.700
Gambling Winnings Tax	\$3.400	\$3.400	\$3.400	\$3.400	\$0.000	\$3.400	\$0.000
Tobacco Settlement Funds	\$44.200	\$42.200	\$42.200	\$42.400	\$42.400	\$42.400	\$42.400
SUBTOTAL	\$1,635.800	\$1,609.200	\$1,596.000	\$1,622.300	\$1,605.500	\$1,646.300	\$1,629.100
Medicaid Enhancement Tax	\$108.500	\$91.400	\$91.400	\$97.000	\$97.000	\$104.800	\$104.800
Medicaid Recoveries	\$19.200	\$22.100	\$22.100	\$17.400	\$17.400	\$18.300	\$18.300
Lottery Transfers to Education	\$77.700	\$66.200	\$65.000	\$66.200	\$69.000	\$67.500	\$73.000
Bingo Lucky 7 Transfers to Education	\$1.300	\$1.300	\$1.300	\$0.900	\$0.900	\$0.900	\$0.900
Utility Property Tax	\$28.000	\$28.000	\$28.000	\$28.000	\$28.000	\$28.000	\$28.000
<u>Statewide Property Tax</u>	<u>\$363.600</u>	<u>\$363.000</u>	<u>\$363.000</u>	<u>\$363.000</u>	<u>\$363.000</u>	<u>\$363.000</u>	<u>\$363.000</u>
TOTAL GEN'L & ED TRUST FUNDS	\$2,234.100	\$2,181.200	\$2,166.800	\$2,194.800	\$2,180.800	\$2,228.800	\$2,217.100
HIGHWAY FUNDS:		FY 2011		FY 2012		FY 2013	
	Official Estimate		Updated Committee		Updated Committee		Updated Committee
(Dollars in Millions) (HR 26, 2010)		HR 11	Estimate	HR 11	Estimate	HR 11	Estimate
Road Toll	\$126.500	\$124.500	\$124.500	\$124.500	\$124.500	\$124.500	\$124.500
Motor Vehicle Fees	\$134.800	\$129.500	\$129.500	\$108.300	\$108.300	\$108.300	\$108.300
Miscellaneous	\$19.800	\$40.800	\$40.800	\$24.500	\$24.500	\$23.500	\$23.500
TOTAL HIGHWAY FUNDS	\$281.100	\$294.800	\$294.800	\$257.300	\$257.300	\$256.300	\$256.300
FISH & GAME FUNDS:							
(Dollars in Millions)							
Fish & Game Licenses	\$9.100	\$8.200	\$8.200	\$8.200	\$8.200	\$8.200	\$8.200
Fines & Miscellaneous	\$2.200	\$2.200	\$2.200	\$1.900	\$1.900	\$1.900	\$1.900
TOTAL FISH & GAME FUNDS	\$11.300	\$10.400	\$10.400	\$10.100	\$10.100	\$10.100	\$10.100

Rep. Stepanek moved Ought to Pass, spoke in favor and yielded to questions.

Rep. Hatch offered floor amendment (1848h).

Floor Amendment (1848h)

Amend the resolution by replacing the paragraph after the title with the following:

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2011, 2012, 2013 and has presented those estimates to the House of Representatives; and

Whereas, the service cuts to the disabled, mentally ill, working poor, infirm elderly, indigent, victims of violence and consumer fraud, and families dealing with alcohol and other drug problems, are too great for our state's citizenry to tolerate; and

Whereas, it is now the intention of the House of Representatives that any increase in revenue estimates or other revenue that can realistically be achieved before the passage of the final budget shall be applied to restore services to individuals which had to be cut in the original house-passed budget; now, therefore, be it

Reps. Hatch and Butynski spoke in favor.

Rep. Stepanek yielded to questions.

Rep. Butynski requested a roll call; sufficiently seconded.

YEAS 109 NAYS 241

YEAS 109

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Moore, Charles
Sterling, Franklin Jr

Chase, Cynthia
Lerandeau, Alfred
Parkhurst, Henry
Tatro, Bruce

Emerson, Susan
Lindsey, Steven
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Meador, David
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguilar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Ober, Lynne
Rhodes, Brian

Brunelle, Michael
Gargas, Carolyn
Gorman, Mary
Pilotte, Maurice
Rokas, Ted

Campbell, David
Gidge, Kenneth
Judy, Jean
Porter, Marjorie
Shaw, Barbara

Christensen, D.L. Chris
Gimas, John
Long, Patrick
Ramsey, Peter
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Watrous, Rick

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Kidder, David
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Bates, David
Lovejoy, Patricia
Pantelakos, Laura
Read, Robin Jr
Waddell, James

Cali-Pitts, Jacqueline
Moody, Marcia
Perkins, Amy
Schlachman, Donna

DiPentima, Rich
Nevins, Chris
Perkins, Lawrence
Serlin, Christopher

Dowling, Patricia
Norelli, Terie
Powers, James
Sytek, John

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Domingo, Baldwin
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

Lefebvre, Benjamin

Lovett, Charlene

NAYS 241**BELKNAP**

Accornero, Harry
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Bolster, Peter
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tobin, William

Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Simard, Paul

Brosseau, Charles
Ingbreton, Paul
Sorg, Gregory

Bulis, Lyle
Ladd, Rick Jr
Sova, Charles

Eaton, Stephanie
Mirski, Paul

HILLSBOROUGH

Balboni, Michael
Belvin, William
Burt, John
Christiansen, Lars
Day, Russell
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Coffey, James
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

Barry, Richard
Brown, Kevin
Cebrowski, John
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Cox, Sean
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Kolodziej, Walter
 Mauro, Donna
 Okerman, Richard
 Quandt, Marshall
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Welch, David

Allen, Mary
 Belanger, Ronald
 Case, Frank
 DeSimone, Debra
 Ferrante, Beverly
 Gould, Kenneth
 Itse, Daniel
 MacMahon, Bruce
 McMahon, Charles
 Oligny, Jeffrey
 Quandt, Matt
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tucker, Pamela
 Weyler, Kenneth

Antosz, Jason
 Bettencourt, David
 Chirichiello, Brian
 Devine, James
 Fesh, Robert
 Griffin, Mary
 Kappler, Lawrence
 Major, Norman
 Murphy, Brian
 Packard, Sherman
 Reagan, John
 Sapareto, Frank
 Shuler, Wyman III
 Tamburello, Daniel
 Ward, Joanne

Azarian, Gary
 Birdsell, Regina
 Copeland, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Katsakiores, Phyllis
 Manuse, Andrew
 O'Connor, John
 Peckham, Michele
 Reichard, Kevin
 Schroadter, Adam
 Smith, William
 Tasker, Kyle
 Webb, James

STRAFFORD

Andolina, Donald
 Groen, Warren
 Newton, Clifford
 Pitre, Joseph

Brown, Julie
 Jones, Kyle
 O'Connor, William
 Vita, Carol

Cataldo, Sam
 Jones, Laura
 Panek, William
 Vita, Lucien

DeLemus, Susan
 Munck, Philip
 Parsons, Robbie

SULLIVAN

Bowers, Spec
 Laware, Thomas

Cunningham, Steven
 Osgood, Joe

Howard, Thomas
 Rodeschin, Beverly

LaCasse, Paul Sr

and floor amendment (1848h) failed.

The question now being adoption of the motion of Ought to Pass.
 Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 257 NAYS 93**YEAS 257****BELKNAP**

Accornero, Harry
 Greemore, Robert
 Millham, Alida
 St. Cyr, Jeffrey

Bolster, Peter
 Kingsbury, Robert
 Pilliod, James
 Swinford, Elaine

Fields, Dennis
 Luther, Robert
 Russell, David
 Tobin, William

Flanders, Donald
 Malone, Robert
 Simpson, Tyler
 Worsman, Colette

CARROLL

Ahlgren, Christopher
 Knox, J. David
 Patten, Betsey
 Tregenza, Norman

Babson, David Jr
 McCarthy, Frank
 Pettengill, Laurie
 Umberger, Karen

Chandler, Gene
 McConkey, Mark
 Scala, Dino

Fleck, Joseph
 Merrow, Harry
 Schmidt, Stephen

CHESHIRE

Byrnes, John
 Hunt, John
 Smith, Edwin

Cartwright, Anne
 Johnson, Jane
 Sterling, Franklin Jr

Dwinell, Richard
 Moore, Charles

Emerson, Susan
 Moore, Robert Jr

COOS

Daugherty, Duffy
 Tholl, John Jr

Rappaport, Laurence
 Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
 Gionet, Edmond
 Simard, Paul

Brosseau, Charles
 Ingretson, Paul
 Sorg, Gregory

Bulis, Lyle
 Ladd, Rick Jr
 Sova, Charles

Eaton, Stephanie
 Mirski, Paul

HILLSBOROUGH

Balboni, Michael
 Belvin, William
 Burt, John
 Christensen, D.L. Chris
 Daniels, Gary
 Donovan, Daniel
 Fredette, Robert
 Gonzalez, Carlos
 Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 Kurk, Neal
 McCarthy, Michael
 Messier, Irene
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Robbins, David
 Silva, Peter
 Stepanek, Stephen
 Twombly, Timothy
 Whitehead, Randall

Barry, J. Gail
 Boehm, Ralph
 Buxton, Michael
 Christiansen, Lars
 Day, Russell
 Drisko, Richard
 Gagne, Larry
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Infantine, William
 LeBrun, Donald
 McClarren, Donald
 Moran, Edward
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Rowe, Robert
 Simmons, Tammy
 Stroud, Kathleen
 Vaillancourt, Steve
 Willette, Robert

Barry, Richard
 Brown, Kevin
 Cebrowski, John
 Coffey, James
 DeJong, Cameron
 Erickson, Duane
 Gargas, Carolyn
 Greazzo, Phil
 Hawkins, Kenneth
 Hogan, Timothy
 Jasper, Shawn
 Maltz, Jonathan
 McGuinness, Sean
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Scentsas, Lisa
 Soucy, Connie
 Swank, Matthew
 Villeneuve, Moe

Belanger, James
 Brownrigg, Randall Jr
 Champagne, Norma
 Cusson-Cail, Kathleen
 Doherty, Shaun
 Flanagan, Jack
 Gimas, John
 Haefner, Robert
 Hikel, John
 Holden, Frank
 Krasucki, Joseph
 Marcus, Bruce
 Mecheski, Holly
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Terrio, Ross
 Warden, Mark

MERRIMACK

Blankenbeker, Lynne
 Hill, Gregory
 Kotowski, Frank
 McDonnell, John
 Richardson, Jon
 Smith, Todd

Cohn, Seth
 Hoell, J.R.
 Kreis, Kenneth Sr
 McGuire, Carol
 Sanborn, Laurie
 Winter, Steven

Cox, Sean
 Keane, Thomas
 Lindsley, Mark
 McGuire, Dan
 Seaworth, G. Brian

Giuda, J. Brandon
 Kidder, David
 Lockwood, Priscilla
 Palfrey, David
 Smith, Molly

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Birdsell, Regina
 Copeland, Timothy
 Dowling, Patricia
 Fesh, Robert
 Griffin, Mary
 Itse, Daniel
 MacMahon, Bruce
 McMahon, Charles
 Okerman, Richard
 Quandt, Marshall
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne

Allen, Mary
 Bates, David
 Brown, Paul
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Hagan, Joseph
 Kappler, Lawrence
 Major, Norman
 Murphy, Brian
 Oligny, Jeffrey
 Quandt, Matt
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Webb, James

Antosz, Jason
 Belanger, Ronald
 Case, Frank
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Headd, James
 Katsakiores, Phyllis
 Manuse, Andrew
 Nevins, Chris
 Packard, Sherman
 Reagan, John
 Sapareto, Frank
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Welch, David

Azarian, Gary
 Bettencourt, David
 Chirichiello, Brian
 Devine, James
 Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Kolodziej, Walter
 Mauro, Donna
 O'Connor, John
 Peckham, Michele
 Reichard, Kevin
 Schroadter, Adam
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Groen, Warren
 Newton, Clifford
 Pitre, Joseph

Brown, Julie
 Jones, Kyle
 O'Connor, William
 Vita, Carol

Cataldo, Sam
 Jones, Laura
 Panek, William
 Vita, Lucien

DeLemus, Susan
 Munck, Philip
 Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 93
BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meader, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Long, Patrick
Rhodes, Brian

Brunelle, Michael
Goley, Jeffrey
Pilotte, Maurice
Rokas, Ted

Campbell, David
Gorman, Mary
Porter, Marjorie
Shaw, Barbara

Cote, David
Judy, Jean
Ramsey, Peter
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

DiPentima, Rich
Pantelakos, Laura
Read, Robin Jr

Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

Norelli, Terie
Powers, James

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Domingo, Baldwin
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the motion of Ought to Pass was adopted and ordered to third reading.

Rep. Cali-Pitts did not vote and notified the Clerk that she wished to be recorded against.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 43, 55, 61, 70, 114, 150, 155, 174, 211, 216, 278, 298, 358, 401, 413, 426, 431, 488, 504, 521, 555, 580, 651 and 629.

Rep. Kidder, Sen. Prescott for the Committee

SENATE MESSAGE**REQUESTS CONCURRENCE WITH AMENDMENT**

HB 524-FN, relative to the release of prisoners on probation or parole. (Amendment printed SJ 4-27-11)
Rep. Swinford moved that the House nonconcur and spoke in favor.
Adopted.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 25, 2011 at 10:00 a.m.
Adopted.

LATE SESSION**Third reading and final passage**

SB 111, relative to short sales of a homeowner's residence.
SB 179, relative to qualified purchasing alliances.
SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.
SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole.
SB 37, relative to the determination of residency for certain pupils.
SB 45, relative to criteria for designation as a Granite State scholar.
SB 96, relative to amending the charter of The Pinkerton Academy.
SB 128-FN-A, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department.
SB 36, relative to the permanent siting of the Hampton-Exeter District Court.
SB 54, relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations.
SB 64, removing the oath requirement for criminal complaints filed by police officers.
SB 20, relative to shoreland protection permits.
SB 21, relative to exemptions from excavating and drainage permits.
SB 32, relative to water withdrawals for snow making.
SB 38, relative to extensions for wetland and shoreland permits.
SB 47, extending the commission to study water infrastructure sustainability funding.
SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle.
SB 105, exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.
SB 107, establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.
SB 98, revising the international registration plan.
SB 99, relative to trailer brakes.
SB 30, relative to including a parent's residence in the parenting plan.
SB 90, directing the legislative oversight committee to study the consolidation of school administrative units.
SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

SB 56-FN, authorizing the department of revenue administration to accept credit card and debit card payments of taxes.

SB 58-FN-A, adding qualified community development entities to the definition of “qualified investment company” under the business profits tax and the business enterprise tax.

SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act.

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine.

SB 121, relative to the application of the worker adjustment and retraining notification act.

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation.

HR 12, affirming revenue estimates for fiscal years 2011, 2012, and 2013.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming committees of conference.

Adopted.

The House recessed at 3:05 p.m.

RECESS

(Rep. Cox in the Chair)

ENROLLED BILL AMENDMENTS

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

Amendment (1804-EBA)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingent Renumbering. If HB 336 of the 2011 legislative session becomes law, RSA 483:15, XVII as inserted by section 1 of this act shall be renumbered as RSA 483:15, XVIII.

Adopted.

HB 132, adopting and implementing the United States flag code.

Amendment (1794-EBA)

Amend section 1 of the bill by replacing lines 1 and 2 with the following:

1 New Sections; Flag Code for New Hampshire. Amend RSA 3-E by inserting after section 1 the following new sections:

Adopted.

HB 246, relative to prearranged funeral contracts or burial plans.

Amendment (1874-EBA)

Amend RSA 325:46-a, I(g)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) The purchaser has the right to make the contract revocable, and that the purchaser has the right to revoke a revocable prearranged funeral contract.

Adopted.

HB 262-FN, relative to beverage manufacturers.

Amendment (1861-EBA)

Amend RSA 179:13, V as inserted by section 2 of the bill by replacing it with the following:

V. Each wholesale distributor, brew pub licensee, *nano brewery*, or beverage manufacturer shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making

payment of accounts. Notification shall be delivered in writing to the licensee by a representative of the wholesaler, brew pub licensee, *nano brewery*, or beverage manufacturer. Proof of notification shall be forwarded to the commission, whose enforcement division shall issue an administrative notice for a violation of the provisions of RSA 179:13, I and shall forward a report of violation for administrative action. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesale distributor's, brew pub licensee's, *nano brewery's*, or beverage manufacturer's notification, providing the requirements of this section have been met.
Adopted.

HB 284-FN, relative to contact lens prescriptions.

Amendment (1820-EBA)

Amend RSA 327:1, IV(e) as inserted by section 1 of the bill by replacing line 1 with the following:

(e) [~~The~~] Application, *prescribing*, or removal of Food and Drug Administration approved

Amend RSA 327:30, IV as inserted by section 3 of the bill by replacing line 2 with the following: acting in violation of this chapter. The cease and desist order shall be enforceable in
Adopted.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor.

Amendment (1899-EBA)

Amend RSA 427:2, VIII(i)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) The common or usual name of the food, if there is any, and

Amend RSA 427:6, II as inserted by section 1 of the bill by replacing it with the following:

II. Said inspectors shall mark, stamp, tag, or label as "New Hampshire Inspected and Passed" all such products found to be not adulterated.

Amend RSA 427:6, III as inserted by section 1 of the bill by replacing lines 1-2 with the following:

III. Said inspectors shall label, mark, stamp, or tag as "New Hampshire Inspected and Condemned" all such products found adulterated, and all such condemned meat food products shall

Amend the introductory paragraph in RSA 427:24 as inserted by section 6 of the bill by replacing line 7 with the following:

that such article or animal has been, or is intended to be, distributed in violation of this subdivision:

Amend RSA 6:12, I(b)(305) as inserted by section 8 of the bill by replacing it with the following:

(305) Moneys deposited in the meat inspection program fund established under RSA 427:32-b.

Amend section 11 of the bill by replacing paragraph VI with the following:

VI. RSA 428:4, relative to intrastate commercial control of poultry inspection.

Adopted.

PETITIONS

Petitioner Representative Silva of Nashua, on behalf of Candy Knightly, seeks redress relative to a dispute with Judge Thomas Bamberger and the State of New Hampshire, Department of Health and Human Services, Division of Children, Youth, and Families.

Petitioner Representative Silva of Nashua, on behalf of Denise-Marie McIntosh, seeks redress relative to a dispute with Judge Thomas Bamberger and the State of New Hampshire, Department of Health and Human Services, Division of Children, Youth, and Families.

The Speaker referred the Petitions to the Committee on Redress of Grievances.

SENATE MESSAGES

CONCURRENCE

HB 133, relative to the minimum wage.

HB 258, eliminating certain unenforced election laws.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits.

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.

HB 594, relative to the application of procedures for discharge or suspension from county employment.

HB 647, relative to withholding of wages.

HCR 27, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

NONCONCURRENCE

HB 307, relative to the authority of the superintendent of a county correctional facility.

HB 603, prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official.

RE-REFERRED TO COMMITTEE

HB 382, relative to the maintenance of municipal public cemeteries.

HB 588, relative to polling hours and location of polling places.

LAID ON THE TABLE

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

HB 341, relative to local spending caps.

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs.

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

RECESS

(Speaker O'Brien in the Chair)

Rep. Tucker moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Wednesday, May 25, 2011

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Give thanks to the Lord, for he is good, for his mercy endures forever. It is better to take refuge in the Lord than to trust in man. It is better to take refuge in the Lord than to trust in princes. (Psalm 118). Heavenly Lord, scripture teaches us to ask for Your grace and strength when making tough choices. Though we often trust in ourselves for insight to shoulder our governing tasks, the wisdom of the scriptures focuses our minds on the people we serve and the benefit of the common good. We ask for Your strength to see shrewdly today and to choose wisely amidst the chaos of pressures, facts and opinions. The task is not an easy one and we call on Your strength to till this field together in harmony row by row. Help us to keep our families stable, our children favorably mentored and our communities prosperous. In this week of Memorial Day observance we bring to mind all those members of the military who have died in our nation's service. We lovingly remember, thank and honor their immeasurable sacrifice to keep our freedom secure and our constitution enduring. For those on active duty in these uncertain times we ask that You keep them safe from injury and harm. Instill in them a respect for the same vision for which our fellow countrymen sacrificed and reward them for their perseverance. As always, we ask Your intercession for our members who are ill or have family who need healing or consolation. Bless our deliberations and commitments this day. In Your great name we pray. Amen.

Representative Robert Greemore, member from Meredith, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Hofemann, Major and Welch, the day, illness.

Reps. Beattie, Deloge, Hatch, Hess, Leonard, John O'Connor, Packard, Pastor and Yvonne Thomas, the day, important business.

Rep. Scentsas, the day, death in the family.

COMMUNICATION

May 25, 2011

Ms. Karen Wadsworth
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Karen:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough County District No. 4, Jennifer Daler, d, Temple (PO Box 22) 03084

Sincerely,
William M. Gardner, Secretary of State

INTRODUCTION OF GUESTS

Shannon Blankenbeker and Ian Campbell, daughter and guest of Rep. Blankenbeker. Anna Summers and Dixie Summers Bingham, wife and sister of Rep. Summers. Leah Willingham, Jennie Rowntree and Meg Ortega, Girl Scouts participating in the Rock the Capitol program and Ally Hughes and Rachel Green, program coordinators, guests of Reps. Sad, Schlachman, and Weber. Carolyn Weir and Carol Croteau, guests of Rep. Schlachman. John Scheel, guest of Rep. Abrami. Lee Papastathis, guest of Rep. Rokas. Nicholas Azarian, son of Rep. Azarian. Mac Kittrich, guest of Rep. Cataldo. Terry and Caleen McCarthy, wife and grand-daughter of Rep. Frank McCarthy. Raymond and Marianne Shakir and Linda Teagan, guests of Rep. Pettengill.

Meghan Hussey and Megan Wirth, students at Kearsarge Regional High School, Pages for the day.

CONSENT CALENDAR

Rep. Jasper moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community, removed by Rep. Blankenbeker.

SB 95, establishing a commission to study youth sports concussions and other concussions received while at school, removed by Rep. Gile.

SB 40, making technical corrections to meals and rooms tax laws, removed by Rep. Weyler.
Consent Calendar adopted.

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J. Manuse for Commerce and Consumer Affairs: This bill is one of five bills introduced this session that is meant to ease private lending restrictions and regulatory overreach that came with the federal Secure and Fair Enforcement Act (SAFE Mortgage and Licensing Act of 2008). The federal SAFE Act was adopted by the legislature in July 2009, and its provisions were subsequently institutionalized in RSA 397-A. Because of this, current law bans private parties from lending money for a residential mortgage to other private parties, even if the money borrowed is from friends, family members, benefactors and etc. Current law requires any person to get a mortgage loan originators license from the New Hampshire banking department, even in harmless circumstances when licensing private citizens who intend to make up to three loans is not practical. Before the excessive enforcement of the SAFE Act in New Hampshire, private transactions between two parties had been allowed for many years. Such transactions were limited by regulation to no more than four private transactions a year as an exception to licensing law. New Hampshire's adoption of the SAFE Act harshly eliminated any legal commerce in most private residential lending. In moving this bill forward to the House, the committee found that SB 28 with its amendment was the most appropriate legislation to restore common sense to New Hampshire law by allowing up to three private transactions a year. The department of housing and urban development (HUD) ultimately regulates this matter pursuant to the new federal law. HUD has promised definitive new rules on this matter, yet such a ruling has not yet materialized. We need a fix in the interim period and this is it. In anticipation of any conflict between state and federal law in the future, the committee recommends an amendment that would allow the state banking department to recognize the HUD rules upon their adoption. Finally, the resolution of this issue and this bill in particular is supported by New Hampshire real estate, accounting and legal professionals, who all testified on this bill. The New Hampshire banking department does not object to the bill, as amended. Vote 17-0.

Amendment (1977h)

Amend RSA 397-A:4, VI as inserted by section 1 of the bill by replacing it with the following:

VI. An owner of real property who in any 12 consecutive month period makes no more than 3 mortgage loans to purchasers of the property for all or part of the purchase price of the real estate against which the mortgage is secured; provided, however, that the final regulations relating to the Secure and Fair Enforcement for Mortgage Licensing Act issued by the United States Department of Housing and Urban Development shall supersede the provisions of this paragraph to the extent such regulations conflict with the provisions of this paragraph.

SB 189, relative to the definition of mortgage loan originator. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Sullivan for Commerce and Consumer Affairs: This bill addresses an issue created by the federal SAFE Act and New Hampshire's corresponding state law recently enacted which was being interpreted to barring even a mortgagee's accountant from giving advice on a home mortgage without a banking department license. In this case, HUD has clarified its position on this issue. This bill brings state law into compliance with the new federal rules in granting an exception from mortgage loan origination status to those performing purely clerical or administrative tasks and doing so under supervision of a licensed person. Vote 17-0.

Amendment (1853h)

Amend RSA 397-A:1, XVII(a)(4) as inserted by section 1 of the bill by replacing it with the following:

(4) Any individual who is not otherwise described in subparagraph (a) and who performs purely administrative or clerical tasks as an employee at the direction of and subject to the supervision and instruction of a licensed person who is described in subparagraph (a).

SB 68, relative to records of disciplinary actions taken by the electricians' board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Spec Bowers for Executive Departments and Administration: This bill creates a sort of "statute of limitations" for disciplinary hearings by the electrician's board. Records of such hearings shall not be retained or considered after 10 years. The committee amendment increased the retention period to 10 years. Vote 14-0.

Amendment (1844h)

Amend RSA 319-C:12, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The board shall retain the record of an action taken in a disciplinary proceeding under this section for 10 years from the date of final decision of the action and shall not consider such disciplinary action more than 10 years after the final decision in any future disciplinary proceeding concerning the same licensee.

AMENDED ANALYSIS

This bill requires that records of actions taken in disciplinary proceedings by the electricians' board shall not be considered after 10 years.

SB 34-FN, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill amends RSA 463 to clarify responsibility for paying for and mailing orders of notice of guardianship proceedings to interested parties. It also amends RSA 457:6 by transferring jurisdiction for approving marriages for persons under age 18 to the judicial branch family division. Finally, it repeals and re-enacts RSA 169-C:15, III(d) to establish and clarify the time period within which the court must hold and issue written findings following the adjudicatory hearing in child protection cases. Vote 16-0.

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Gregory M. Sorg for Judiciary: This bill seeks to level the competitive playing field in the bail bond business. With the amendment, RSA 598-A:3 would be amended to require that the list of names of registered professional bail bondsmen already furnished by the secretary of state to all courts, jails and police stations under current law not be altered or supplemented and that it contain a statement informing defendants in need of bail that not all bail bondsmen charge the same fees or provide the same services and encouraging them to contact more than one. Vote 16-0.

Amendment (1600h)

Amend the bill by replacing section 1 with the following:

1 List of Professional Bondsmen. Amend RSA 598-A:3 to read as follows:

598-A:3 List of Professional Bondsmen. The secretary of state or designee shall furnish all superior court clerks, all district courts having authority to accept bail, all jails, and all police stations with a list of the names of all persons registered as professional bondsmen and shall notify such clerks, courts, jails, and police stations of any change in a bondsman's status. The secretary of state shall update the list as necessary, but not less than once per year. ~~[No person, other than the secretary of state or the secretary of state's designee, shall alter any list furnished under this section.]~~ **The list shall include the following statement in bold type: "You are encouraged to contact more than one bail bondsman because not all bail bondsmen charge the same fees or provide the same services."** The **unaltered** list shall be displayed prominently and visibly to defendants in all courts, jails, and police stations. **No other list shall be displayed, furnished, or provided.**

AMENDED ANALYSIS

This bill amends the criteria for the list of bail bondsmen provided to the courts. The bill also provides that a defendant released pending trial who fails to appear within 45 days of the date required shall forfeit all designated property held by the court to secure such defendant's appearance.

SB 65, making technical corrections to a law relative to court facility financing. **OUGHT TO PASS.** Rep. Gregory M. Sorg for Judiciary: This bill makes technical corrections to RSA 490-B:5, II, relating to court facility financing to reflect procedures already being followed for negotiating and approving leases. As amended, the statute will provide that negotiations concluded by the department of administrative services shall be subject to final approval by the governor and council or by the department of administrative services, as applicable, rather than by the fiscal committee of the general court. Vote 14-0.

SB 139-FN, relative to state recoveries of public assistance caused by fraud. **OUGHT TO PASS.** Rep. Joseph M. Hagan for Judiciary: A whistleblower who brings action for himself and the state against a defendant alleged to have committed Medicaid fraud, if successful, receives a percentage of the recovery. This bill would limit jurisdiction to cases involving New Hampshire healthcare providers. Other clarifications would reduce legal costs and increase monetary settlements. Vote 15-0.

SB 176, relative to marriage licenses. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill is a housekeeping measure that amends the marriage registration provisions of RSA 5-C:41 and 42 to make them consistent with the amendments in 2006 to RSA 457:26 and 27, which eliminated the three-day waiting period between applying for and issuance of a marriage license. Vote 13-1.

SB 144, relative to extending certain permits and approvals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P. Belanger for Municipal and County Government: Presently, planning board subdivision plans and site approvals are exempt from subdivision, site plan review, impact fees and zoning ordinance changes for a period of four years as long as substantial development or building has begun within one year (12 months) of the approval and recording of the plans. This amended bill makes a minor but important change RSA 674:39 and extends the period to five years and start of substantial development or building to 24 months. Given the increased complexity of today's permitting and financing requirements and the slowed sale rate of new homes, projects need this additional time to earn vested rights. This was a bi-partisan vote with no testimony in opposition to the bill or to the amendment. Vote 15-0.

Amendment (1797h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to approvals for site plans and subdivision of land.

Amend the bill by replacing section 1 with the following:

1 Regulation of Subdivision of Land. Amend RSA 674:39 to read as follows:

674:39 ~~Four-Year~~ **Five-Year** Exemption.

I. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of ~~[4]~~ **5** years after the date of approval; provided that:

(a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within ~~[12]~~ **24** months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;

(b) Development remains in full compliance with the public health regulations and ordinances specified in this section; and

(c) At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.

II. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.

III. The planning board may, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

(a) "Substantial completion of the improvements as shown on the subdivision plat or site plan," for purposes of fulfilling paragraph II; and

(b) "Active and substantial development or building," for the purposes of fulfilling paragraph I.

IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the ~~[4-year]~~ **5-year** exemption described in paragraph I. The planning board may, for good cause, extend the ~~[+2-month]~~ **24-month** period set forth in ~~[paragraph]~~ **subparagraph I(a)**.

~~[V. Notwithstanding the time limits established in paragraph I, every subdivision plat and site plan approved by the planning board on or after January 1, 2007 and prior to July 1, 2009 shall be allowed 36 months after the date of approval to achieve active and substantial development or building as described in subparagraph I(a) and every subdivision plat and site plan approved by the planning board on or after July 1, 2005 and prior to July 1, 2009 shall be allowed 6 years after the date of approval to achieve substantial completion of the improvements as described in paragraph H.]~~

SB 22, relative to alternative regulation of small incumbent local exchange carriers. **OUGHT TO PASS.**

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: The bill provides that small incumbent local exchange carriers having under 25,000 access lines may petition the PUC for alternative regulation. Alternative regulation provides that local rates do not exceed comparable rates and that all service obligations under law be maintained. The alternative regulation plan may also allow small incumbent local exchange carriers to offer bundled services such as data and video. Vote 15-0.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 487-FN, relative to election day registrants. (Amendment printed SJ 5-11-11)

Rep. Bates moved that the House concur and spoke in favor.

Adopted.

HB 190, relative to legislative study committees. (Amendment printed SJ 5-11-11)

Rep. Mirski moved that the House concur and spoke in favor.

Adopted.

HB 585, proclaiming the third Friday in October as New Hampshire history day. (Amendment printed SJ 5-18-11)

Rep. Mirski moved that the House concur and spoke in favor.

Adopted.

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. (Amendment printed SJ 5-4-11)

Rep. Rowe moved that the House concur and spoke in favor.

Adopted.

HB 109, relative to residential fire sprinklers. (Amendment printed SJ 5-11-11)

Rep. Ferrante moved that the House concur and spoke in favor.

Adopted.

HB 205-FN, relative to notice to owners of upstream dams. (Amendment printed SJ 5-11-11)

Rep. Ferrante moved that the House concur and spoke in favor.

Adopted.

HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property. (Amendment printed SJ 5-18-11)

Rep. Ferrante moved that the House concur and spoke in favor.

Adopted.

HB 409, relative to planning board members. (Amendment printed SJ 5-18-11)

Rep. Ferrante moved that the House concur and spoke in favor.

Adopted.

HB 131, relative to indemnification of volunteers performing duties in the state park system. (Amendment printed SJ 5-11-11)

Reps. Renzullo and Rowe moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Renzullo, Kappler, Spang and Tregenza.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation. (Amendment printed SJ 5-11-11)

Reps. Renzullo and Stepanek moved that the House concur.

Rep. Azarian spoke in favor.

Adopted.

Rep. Baroody declared a conflict of interest and did not participate.

HB 579, exempting department of revenue administration guidelines from the right-to-know law. (Amendment printed SJ 5-4-11)

Rep. Stepanek moved that the House concur and spoke in favor.

Adopted.

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. (Amendment printed SJ 5-11-11)

Rep. Stepanek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Major, Hess, Azarian and Almy.

REGULAR CALENDAR

SB 93, relative to pharmacist administration of vaccines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill, as passed by the Senate, intended to expand the vaccines that may be administered by a pharmacist to include pneumococcal (for pneumonia) and varicella zoster (for shingles) for a sunsetted two-year period. It also removes redundant qualifications for pharmacists to administer vaccines. Currently, pharmacists in all 50 states are able to administer adult immunizations. New Hampshire is one of three states that limit pharmacists to administer only the seasonal flu vaccine. SB 93 would increase access to these vaccines thus improving immunization rates and decreasing long-term health care costs. Since documentation of vaccinations is also important, pharmacists are required to insure that the records are accurate and up-to-date and that the patient's physician is notified. The committee determined that the bill needed to be amended because the Senate's sunset clause unintentionally repealed the redundant current law. The sunset provision of the bill was removed in the committee's amendment. The committee feels this is a consumer friendly solution for New Hampshire residents. Vote 16-1.

Amendment (1868h)

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill expands the vaccines which may be administered by a pharmacist and changes the qualifications for pharmacists to administer vaccines.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 120, relative to alcoholic beverage advertising restrictions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick C. Rice for Commerce and Consumer Affairs: Present regulations allow the advertising or promotion of liquor or beverages at reduced prices only within restaurants licensed premises, unless it is part of a "champagne brunch" or similar package. This bill would allow licensees to advertise liquor and beverage prices separately from any other advertisement or promotion. The bill allows the liquor commission to suspend any single advertising or promotion that is not in the spirit of public health or safety. The bill also includes a local opt out by allowing the legislative body of a city or town to adopt provisions prohibiting exterior signs advertising reduced price liquor or beverages. Beginning upon enactment and lasting up to next July 1st, the governing body of the city or town may adopt temporary prohibitions on such exterior advertising until the legislative body votes whether to adopt a permanent prohibition or the temporary prohibition expires, which ever occurs sooner. Vote 17-0.

Amendment (1956h)

Amend the bill by replacing section 2 with the following:

2 Alcoholic Beverages; Advertising Restrictions. Amend RSA 179:31, IX to read as follows:

IX. Advertising of liquor or beverages shall ~~[not be inconsistent]~~ **be consistent** with the spirit of **public health or safety** ~~[or safe driving]~~. **The commission may suspend any single advertising or promotion of liquor or beverage, at its discretion, that is inconsistent with the spirit of public health or safety.**

Amend RSA 179:31, XI-a as inserted by section 3 of the bill by replacing it with the following:

XI-a. Notwithstanding paragraph XI, if the legislative body of a city or town adopts a provision prohibiting exterior signs or signs in view of any public way promoting the sale of liquor or beverages at reduced prices by an on-premises licensee, such signs shall not be permitted in that city or town.

Amend the bill by replacing all after section 5 with the following:

6 Temporary Local Advertising Restrictions. The governing body of a city or town may adopt a temporary provision prohibiting exterior signs or signs in view of any public way promoting the sale of liquor or beverages at reduced prices by an on-premises licensee. The temporary prohibition shall be enforceable in the same manner as a prohibition adopted under RSA 179:31-a, XI-a. The temporary prohibition shall expire on the earliest of the following dates:

I. The date on which the legislative body of the city or town votes on whether to adopt a permanent prohibition under RSA 179:31, XI-a.

II. The date specified by the governing body when adopting the temporary prohibition.

III. July 1, 2012.

7 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 358 NAYS 15**YEAS 358****BELKNAP**

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Millham, Alida	Pilliod, James	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tobin, William
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Butynski, William
Chase, Cynthia
Hunt, John
Meador, David
Sad, Tara
Weber, Lucy

Byrnes, John
Dwinell, Richard
Johnsen, Gladys
Moore, Charles
Smith, Edwin
Weed, Charles

Carr, Daniel
Emerson, Susan
Lerandeau, Alfred
Moore, Robert Jr
Sterling, Franklin Jr

Cartwright, Anne
Hawkes, Samuel
Lindsey, Steven
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Remick, William
Tremblay, Marc

Daugherty, Duffy
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Brosseau, Charles
Gionet, Edmond
Ladd, Rick Jr
Reilly, Harold Sr
Sorg, Gregory

Almy, Susan
Bulis, Lyle
Gould, Franklin
Mirski, Paul
Shackett, Jeffrey
Sova, Charles

Benn, Bernard
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Simard, Paul
Taylor, Kathleen

Bradley, Lester
Eaton, Stephanie
Ingbretson, Paul
Pierce, David
Smith, Suzanne
Townsend, Charles

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Boehm, Ralph
Burt, John
Champagne, Norma
Condra, William
Daler, Jennifer
Doherty, Shaun
Flanagan, Jack
Garrity, Patrick
Gonzalez, Carlos
Haefner, Robert
Hinch, Richard
Hopper, Gary
Jeudy, Jean
Long, Patrick
McGuinness, Sean
Ober, Russell III
Parison, James
Pilotte, Maurice
Reed, Michael
Rokas, Ted
Shaw, Barbara
Souza, Kathleen
Summers, James
Twombly, Timothy
Warden, Mark

Balboni, Michael
Barry, Richard
Brown, Kevin
Buxton, Michael
Christensen, D.L. Chris
Cote, David
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hogan, Edith
Hutchinson, Winfred
Katsiantonis, Thomas
Maltz, Jonathan
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Porter, Marjorie
Renzullo, Andrew
Rosenwald, Cindy
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Campbell, David
Christiansen, Lars
Coughlin, Sean
Day, Russell
Drisko, Richard
Gagne, Larry
Gimas, John
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Palmer, Barry
Pepino, Leo
Pratt, Calvin
Rhodes, Brian
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Baroody, Benjamin
Belvin, William
Brunelle, Michael
Cebrowski, John
Coffey, James
Cusson-Cail, Kathleen
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Goley, Jeffrey
Greazzo, Phil
Hikel, John
Holden, Frank
Jasper, Shawn
Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Peterson, Lunette
Proulx, Mark
Robbins, David
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Gile, Mary
Hoell, J.R.
Kreis, Kenneth Sr
MacKay, James

Bouchard, Candace
DeStefano, Stephen
Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McDonnell, John

Coffey, Jennifer
Foose, Robert
Hamm, Christine
Kidder, David
Lindsley, Mark
McGuire, Carol

Cohn, Seth
Frazer, June
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
McGuire, Dan

Owen, Derek
Rice, Chip
Seaworth, G. Brian
Soltani, Tony
Winter, Steven

Palfrey, David
Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

Potter, Frances
Richardson, Jon
Smith, Molly
Watrous, Rick

Reed, Dennis
Sanborn, Laurie
Smith, Todd
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Charron, Gene
Davenport, Joshua
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Perkins, Lawrence
Read, Robin Jr
Ritter, Glenn
Schlachman, Donna
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Allen, Mary
Bates, David
Brown, Paul
Chirichiello, Brian
DeSimone, Debra
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Pantelakos, Laura
Powers, James
Reagan, John
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Antosz, Jason
Belanger, Ronald
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Elliott, Robert
Garrry, James
Hoelzel, Kathleen
Kappler, Lawrence
Lundgren, David
McMahon, Charles
Norelli, Terie
Peckham, Michele
Quandt, Marshall
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Case, Frank
Copeland, Timothy
DiPentima, Rich
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
MacMahon, Bruce
Moody, Marcia
Okerman, Richard
Perkins, Amy
Quandt, Matt
Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Cataldo, Sam
Hooper, Dorothea
Kaen, Naida
Munck, Philip
Parsons, Robbie
Spainhower, Dale
Vita, Lucien

Berube, Roger
DeLemus, Susan
Horrigan, Timothy
Keans, Sandra
Newton, Clifford
Pitre, Joseph
Spang, Judith
Wall, Janet

Brown, Julie
Grassie, Anne
Jones, Kyle
Larsen, Kirsten
O'Connor, William
Roberts, Jenna
Sprague, Dale
Watters, David

Browne, Brendon
Groen, Warren
Jones, Laura
Leonard, Frederick Jr
Panek, William
Schmidt, Peter
Vita, Carol
Weeden, Michael

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Osgood, Joe

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Smith, Steven

Howard, Thomas
Lovett, Charlene

NAYS 15 BELKNAP

None

CARROLL

None

CHESHIRE

Johnson, Jane

Roberts, Kris

COOS

None

GRAFTON

White, Andrew

HILLSBOROUGHBergevin, Jerry
LeBrun, DonaldGargas, Carolyn
Mecheski, Holly

Hardwick, Harry

Kurk, Neal

MERRIMACK

None

ROCKINGHAM

Gould, Kenneth

McKinney, Betsy

STRAFFORD

Ginsburg, Philip

Pelletier, Marsha

SULLIVAN

Gagnon, Raymond

Schmidt, Andrew

and the committee report was adopted and ordered to third reading.

SB 162-FN, relative to federal health care reform 2010. **OUGHT TO PASS WITH AMENDMENT.** Rep. Andrew J. Manuse for Commerce and Consumer Affairs: This bill, as amended, repeals and replaces RSA 420-L with a new policy for managing federal health care reform in New Hampshire. The committee amendment makes changes to the bill that reflects other policy votes of the House on this matter. Passing this bill, as amended, will stake out a strong House position that creates a Joint Legislative Oversight Committee with real power to direct the insurance commissioner or any other department or agency official on whether or not to implement certain components of federal health care reform. While the law does not go as far as some of us would have liked to completely nullify recent federal healthcare reform the law also does not go as far as the past legislature went in giving the insurance commissioner authority to implement any part of the federal health care reform that he or she wanted. This bill strikes a good balance by giving an oversight committee real power to prevent implementation of choice parts of the federal health care reform, to revisit administrative rules passed previously and strike them if necessary, to approve new rules to be submitted through the regular process or to approve of proposals from the commissioner to implement parts of federal health care reform. The bill also requires the oversight committee to report back to the legislature, leaving room for changes to policy or the process. If the House does not act on this legislation, there will be no official arm of the government attending directly to the federal changes, which means any agency official might act to accept grant money for implementation of the act. By keeping this oversight committee in place, the legislature is ensuring a check on the executive branch of the government to make sure it is not enforcing or implementing parts of federal health care reform without authority. At the same time, the proposed committee will allow the state to implement parts of the federal law that make common sense. This bill also eliminates a permanent insurance department position that was meant to implement federal healthcare reform in New Hampshire, a position that is no longer needed. Eliminating this position will save the state money. Vote 16-1.

Amendment (1967h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to New Hampshire opting-out of federal health care reform.

Amend the bill by replacing all after the enacting clause with the following:

1 Federal Health Care Reform 2010. RSA 420-L:1-RSA 420-L:6 are repealed and reenacted to read as follows:

420-L:1 Purpose and Scope.

I. The intent of this chapter is to preserve the constitutional integrity and sovereignty of the State of New Hampshire under the Tenth Amendment to the United States Constitution and Part I, Article 7 of the New Hampshire Constitution by limiting the extent to which the commissioner shall or shall not enforce the insurance reforms under the Patient Protection and Affordable Care Act of 2009, as amended by the Health Care and Education Reconciliation Act of 2010, (hereinafter "Act").

II. Further, it is the intent of this chapter to prevent the state of New Hampshire from defaulting into federal oversight regarding the Act by not meeting certain federally mandated time frames measuring the progress being made of state-implemented requirements under the Act. It is not the intent of this chapter to commit the state of New Hampshire to implementation of the Act, but rather to prevent the implementation of the Act and to preserve the state's options regarding implementation of any constitutional portions as the general court directs.

420-L:2 Definitions. In this chapter:

I. "Act" means the Patient Protection and Affordable Care Act of 2009 (Public Law 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

II. "Commissioner" means the insurance commissioner.

III. "Department" means the insurance department.

IV. "Health Care and Education Reconciliation Act of 2010" means the law enacted by the 111th United States Congress, HR 4872, (Public Law 111-152) signed into law on March 30, 2010.

V. "Oversight committee" means the joint health insurance reform oversight committee established in RSA 420-L:5.

VI. "Patient Protection and Affordable Care Act of 2009" means the law enacted by the 111th United States Congress, HR 3590, (Public Law 111-148) signed into law on March 30, 2010.

420-L:3 Authority of the Commissioner.

I. Only with the prior approval of the majority of the oversight committee established in RSA 420-L:5, the commissioner shall have the authority to do the following with regard to the Act:

(a) Enforce the consumer protections and market reforms as set forth in the Act that relate to insurance;

(b) Take any action or permit the taking of any action by any state employee, state agent, or anyone to implement the Act;

(c) Establish any standards for enforcing the provisions of the Act;

(d) Make, adopt, or amend rules and regulations pursuant to RSA 541-A for, or as an aid to, the administration of any provision of the Act relating to insurance;

(e) Apply for any grant funds available under the Act;

(f) Adopt or apply standards consistent with the Act for form and rate review of insurance products and any other regulatory oversight functions performed by the department; or

(g) Expend any money, whether received by the federal government, the state government, any other governmental agency, a private organization, a nonprofit organization, or otherwise, on the implementation or advancement of the Act.

II. Any state official or agency outside the department, that seeks to enforce, implement, establish standards for enforcing, or otherwise take action under a provision of the Act, shall first obtain approval for the action from the majority of the oversight committee established in RSA 420-L:5.

420-L:4 Implementation of the Act.

I. The general court shall determine all policies within the state of New Hampshire regarding implementation of the Act if it is determined that the state of New Hampshire is required to implement the Act. The insurance commissioner, the department, or any other state official, agency or designee, working in conjunction with the oversight committee, shall act on the presumption that enforcement of any provision of the Act shall first be authorized by the general court.

II. The commissioner, the department, or any other state official, agency or designee, shall develop recommendations in conjunction with the oversight committee established in RSA 420-L:5, prior to any enforcement of the Act. In addition, any state official or agency that seeks to enforce the provisions of the Act shall first develop recommendations in conjunction with the oversight committee.

420-L:5 Joint Health Insurance Reform Oversight Committee.

I. There is established a joint health insurance reform oversight committee consisting of 5 members as follows:

(a) Two members of the senate, appointed by the senate president, one of whom shall be from the senate commerce committee.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be from the house commerce and consumer affairs committee.

II. The terms of the members of the oversight committee shall be for the biennium and shall be coterminous with their membership in the general court. The oversight committee shall elect a chairman from its membership. The oversight committee shall meet at the call of the chairman who may call a meeting as often as necessary. The oversight committee shall require 3 members for a quorum.

III. The commissioner, upon direction of the oversight committee, shall make such periodic reports to the oversight committee relative to the department's interaction with federal officials enforcing the Act, and relative to federal deadlines and requirements for the Act.

IV. The oversight committee shall provide legislative oversight, policy direction, and recommendations for further legislation to prevent implementation of the Act in the state of New Hampshire as it determines appropriate. The oversight committee shall also review existing rules adopted pursuant to the version of RSA 420-L enacted under 2010, 243 and may require that rules it deems unnecessary be withdrawn.

V. The oversight committee shall submit an annual report, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, the house commerce and consumer affairs committee, and the senate commerce committee on or before November 1, 2011, and thereafter on or before November 1 of each year.

2 Health Reform Coordinator Position. Amend RSA 400-A:6, VII to read as follows:

VII. The commissioner shall appoint, as the commissioner's assistants, a health care policy analyst, a health care statistician, a general counsel, an insurance fraud attorney, a senior insurance fraud investigator, an assistant property and casualty actuary, *and* a compliance and enforcement counsel, [~~and a health reform coordinator,~~] each of whom shall serve at the pleasure of the commissioner during good behavior. The health care policy analyst, health care statistician, general counsel, insurance fraud attorney, senior insurance fraud investigator, assistant property and casualty actuary, *and* compliance and enforcement counsel, [~~and health reform coordinator,~~] shall perform such duties and exercise such powers as the commissioner may authorize.

3 Repeal. The following are repealed:

I. 2010, 243:15, relative to the repeal of RSA 420-L, regarding federal health care reform.

II. 2010, 243:16, relative to relative to rules adopted pursuant to RSA 420-L.

4 Effective Date. This act shall take effect June 30, 2011.

AMENDED ANALYSIS

This bill removes the repeal of RSA 420-L, regarding federal health care reform. Under this bill, the general court is to determine all policies within the state of New Hampshire regarding implementation of the Patient Protection and Affordable Care Act of 2009 (Public Law 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152). The bill establishes an oversight committee to prevent implementation of such Act as it determines appropriate. This bill also eliminates the health reform coordinator position in the department of insurance.

Rep. Gary Richardson spoke against and yielded to questions.

Rep. Manuse spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 278 NAYS 99

YEAS 278

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey
Taylor, Kathleen

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gidge, Kenneth
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Perkins, Amy
Reagan, John

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Oigny, Jeffrey
Quandt, Marshall
Rice, Frederick

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Peckham, Michele
Quandt, Matt
Ritter, Glenn

Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Sapienza, Marie
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

STRAFFORD

Andolina, Donald
DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Carol

Berube, Roger
Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Brown, Julie
Jones, Kyle
Munck, Philip
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Newton, Clifford
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 99

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meader, David
Tatro, Bruce

COOS

Coulombe, Gary

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
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Smith, Suzanne

Almy, Susan
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Benn, Bernard
Nordgren, Sharon
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Pierce, David

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Daler, Jennifer
Goley, Jeffrey
Kurk, Neal
Porter, Marjorie
Shaw, Barbara

Campbell, David
Gargas, Carolyn
Gorman, Mary
Levasseur, Nickolas
Rhodes, Brian
Sullivan, Daniel

Condra, William
Garity, Patrick
Jeudy, Jean
Long, Patrick
Rokas, Ted

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Owen, Derek
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
Kidder, David
Rice, Chip
Watrous, Rick

Frazer, June
MacKay, James
Richardson, Gary
Williams, Robert

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Gould, Kenneth
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Case, Frank
Lovejoy, Patricia
Powers, James

DiPentima, Rich
Moody, Marcia
Read, Robin Jr

Dowling, Patricia
Norelli, Terie
Schlachman, Donna

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the committee amendment was adopted.

Committee report adopted and ordered to third reading.

SB 171, relative to prescription drug benefits for the treatment of pain. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F. Nevins for the Majority of Commerce and Consumer Affairs: Current law requires that every health benefit plan that provides prescription drug benefits to maintain an expeditious exception process that does not exceed 48 hours. This bill intended to reduce that time limit to 24 hours for pain medications. A major problem with the bill was that there was no definition for pain. In testimony it was noted that the vast majority of prescriptions are approved immediately and that in the rare occasion where there is a problem, most emergency prescriptions are approved within a 24-hour period. While well intended, the law is redundant since "Urgent Care" is already covered by federal law. The committee is concerned about forcing an additional mandate on insurers, which would only serve to increase costs unnecessarily and ultimately higher premiums. The majority of the committee felt that New Hampshire consumers are already well served by current law. Vote 13-4. Rep. Kathleen N. Taylor for the Minority of Commerce and Consumer Affairs: Testimony from insurance companies was that they presently adhere to a 24-hour exception review process for "medically necessary" prescription drugs, including pain medication, but conflicting testimony detailed a 3-step process used by insurance companies before a patient can get the pain medication prescribed by a doctor. Current law requires a 48 hour expedited review process for non-formulary prescription drugs. The minority believes the Senate passed version establishing a 24 hour expedited review process for formulary and non-formulary pain medication is needed, considering the urgent need for proper pain relief by some patients. The expedited process will only apply to "medically necessary" drugs as currently defined in New Hampshire law and since it would conform to the practice insurance companies claim to use, giving consumers the ability to request assistance from the NH insurance department would be helpful. This bill will help doctors in their practice and take away insurance companies interference with "medically necessary" pain medication. Majority committee report adopted.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robbie L. Parsons for Criminal Justice and Public Safety: This bill makes important and necessary changes to SB 500, Chapter 247, laws of 2010 based upon input from the NH parole board, the attorney general's office, the department of corrections and other interested parties. The bill, as amended, gives the parole board a significant role over inmates returned to prison for recommitment after parole violations. Current law provides that the recommitment period can only be for up to 90 days; the amendment allows the parole board to extend this term beyond 90 days for the parolee's failure to meet a variety of factors. The bill, as amended, would apply to all parolees and give the parole board discretion over both violent and nonviolent offenders. The committee believes that this bill corrects an oversight in the law which will allow for its further successful implementation. Vote 14-0.

Amendment (1722h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to recommitment of prisoners on probation or parole.

Amend the bill by replacing all after the enacting clause with the following:

1 Effect of Reccommitment. Amend RSA 651-A:19 to read as follows:

651-A:19 Effect of Reccommitment.

1. A prisoner who is recommitment shall serve 90 days in prison before being placed back on parole or the remainder of his or her maximum sentence, whichever is shorter, *or may be subject to*

an extended term of recommitment pursuant to paragraphs III and IV. The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence.

II. Prisoners who are recommitted shall be ~~[housed separately in a prison housing unit that provides]~~ **provided access to** focused, evidence-based programming aimed at reengaging parolees in their parole plan.

III. The parole board may impose an extended term of recommitment for greater than 90 days if:

- (a) *The prisoner has previously been recommitted for a parole violation; or*
- (b) *The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII; and*
- (1) *The conduct underlying the parole violation is related to his or her offense or offending pattern; or*
- (2) *The prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff; or*
- (3) *Both subparagraphs (1) and (2); or*
- (c) *The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII; or*
- (d) *The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommitment.*

IV.(a) A prisoner may be brought before the parole board at any time during the 90-day term of recommitment to determine whether a longer term is warranted if:

- (1) *The prisoner did not participate in the evidence-based programming during the 90-day recommitment period; or*
- (2) *The prisoner received one or more major disciplinary violations during the 90-day recommitment period.*

(b) *The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.*

V. The imposition of an extended term of recommitment pursuant to paragraph III or IV shall be supported by written findings and a written order.

VI. Any prisoner who is subject to an extended term of recommitment shall receive a hearing before the parole board after serving 6 months of his or her term of recommitment and every 6 months thereafter.

VII. At the revocation hearing, the parole board may impose a term of recommitment for less than 90 days if:

- (a) *The prisoner has not been previously recommitted for a parole violation;*
- (b) *The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;*
- (c) *The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII;*
- (d) *The parole violation is not substantially related to his or her offense or offending pattern; and*
- (e) *The parole board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee.*

2 Applicability. RSA 651-A:19 as inserted by section 1 of this act shall apply to any person who is on parole as of July 1, 2010 or thereafter. The version of RSA 651-A:19 as inserted by 2010, 247:10 shall not apply to any person who had absconded on parole prior to October 1, 2010 and was a fugitive as of that date.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes additional criteria for recommitment of prisoners on probation or parole.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 67, establishing a committee to study school vouchers and school choice. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for the Majority of Education: This bill, as amended, strengthens the original bill by expanding the scope of study beyond vouchers to tax credit programs that have been operating

across the country. The goal for the study committee is to become well versed and therefore a resource to the House and Senate education committees. The study committee shall issue a report containing recommendations of features that should be included in future plans of this nature. The recommendations made by the committee will be helpful to ensure any programs are precise as to terminology and methodology and beneficial to parents and students. Vote 12-4.

Rep. Mary Stuart Gile for the Minority of Education: This bill proposes a committee to study the implementation of an education tax credit and education voucher program that would include but not be limited to authorizing a credit against the business profits tax for cash contributions from business organizations to support the education of students at non-public schools, authorizing the establishment of tax-exempt scholarship granting organizations which would award grants to offset the costs of attending non-public schools and administration and enforcement by department of revenue administration. The minority's position is that funding public education, given limited public and private resources, has to be the state's number one priority. While SB 67, as amended, is only a study, it will dilute time, energy and resources that could be better put to the support and improvement of public education for NH students.

Majority Amendment (1962h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the implementation of an education tax credit plan in New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the implementation of an education tax credit plan in New Hampshire.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall:

I. Study the implementation of an education tax credit plan in New Hampshire which could include, but not be limited to, authorizing a credit against the business profits tax for cash contributions from business organizations to support the education of students at nonpublic schools, authorizing the establishment of tax-exempt scholarship granting organizations which would award grants to offset the cost of attending nonpublic schools, and administration and enforcement by the department of revenue administration.

II. Study the features of education tax credit and education voucher programs which have been implemented or are under consideration in other states and recommend any feature of those plans that would merit inclusion in the plan proposed in New Hampshire.

III. Act as a resource to the house and senate education committees on education tax credit or education voucher legislation, including making recommendations as to appropriate terminology and methodology for such legislation to the committees.

IV. Solicit input from any individual or organization with relevant information or expertise.

V. Study any other matter the committee deems relevant to its objective.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall submit an interim report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011 and a final report on or before November 1, 2012.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the implementation of an education tax credit plan in New Hampshire.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Gorman spoke against.

Rep. Hoell spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 273 NAYS 100

YEAS 273

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Robbins, David
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gimas, John
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbaker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Keane, Thomas
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Schroadter, Adam
Smith, William
Tamburello, Daniel
Ward, Joanne

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Parsons, Robbie
Vita, Lucien

Cataldo, Sam
Jones, Laura
Newton, Clifford
Pitre, Joseph
Weeden, Michael

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Roberts, Jenna

Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 100**BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

Belanger, James
Daler, Jennifer
Goley, Jeffrey
Levasseur, Nickolas
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Gargas, Carolyn
Gorman, Mary
Long, Patrick
Rokas, Ted

Campbell, David
Garrity, Patrick
Judy, Jean
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Shurtleff, Stephen

Foose, Robert
Kidder, David
Potter, Frances
Wallner, Mary Jane

Frazer, June
Lockwood, Priscilla
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Powers, James

Case, Frank
Norelli, Terie
Read, Robin Jr

DiPentima, Rich
Pantelakos, Laura
Schlachman, Donna

Lovejoy, Patricia
Perkins, Lawrence

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

Brown, Julie
Grassie, Anne
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Sprague, Dale

Domingo, Baldwin
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

SB 192, establishing a commission to identify strategies needed for delivering a 21st century education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kathleen A. Lauer-Rago for the Majority of Education: The majority believes that this bill is another rehash of continual strategies tried and failed since the 1930's and therefore sees no need to open the door to a new fad which could result in moving further away from the basics and academic excellence. Vote 12-5.

Rep. Mary Stuart Gile for the Minority of Education: This bill proposed establishing a 21st century education commission to identify strategies for delivering a 21st century education to address student mastery of required course competencies in all learning environments, identify multiple models of financing for a 21st century education system and to identify the roles educators will play in a 21st century education. The minority supports SB 192's goal of ensuring that NH students attain mastery of course competencies in all learning environments. Further, the minority agrees that the opportunity to explore innovative and creative options and to think critically and futuristically about NH in the 21st century would provide positive benefits to the entire educational community.

The question being adoption of the majority committee report of Inexpedient to Legislate. Reps. Shaw and Gile spoke against.

Reps. Lauer-Rago and Hoell spoke in favor.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 273 NAYS 105**YEAS 273****BELKNAP**

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	Simpson, Tyler
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John	Cartwright, Anne	Chase, Cynthia	Dwinell, Richard
Emerson, Susan	Hunt, John	Johnson, Jane	Lerandeau, Alfred
Moore, Charles	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce			

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Theberge, Robert	Tholl, John Jr	Tremblay, Marc	

GRAFTON

Aguiar, James	Bradley, Lester	Brosseau, Charles	Bulis, Lyle
Eaton, Stephanie	Gionet, Edmond	Gould, Franklin	Ingbreton, Paul
Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr	Shackett, Jeffrey
Simard, Paul	Sorg, Gregory	Sova, Charles	Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Condra, William	Cote, David	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gidge, Kenneth	Gonzalez, Carlos	Gorman, Mary	Graham, John
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Hogan, Timothy
Holden, Frank	Hopper, Gary	Hutchinson, Winfred	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	Lambert, George
LeBrun, Donald	Maltz, Jonathan	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Proulx, Mark	Reed, Michael	Renzullo, Andrew
Robbins, David	Rosenwald, Cindy	Rowe, Robert	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Summers, James	Swank, Matthew
Terrio, Ross	Thomas, Joseph	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	Whitehead, Randall
Willette, Robert			

MERRIMACK

Blankenkoper, Lynne
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Todd

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Perkins, Amy
Reichard, Kevin
Sedensky, John
Sullivan, Kevin
Tremblay, Stella
Weyler, Kenneth

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Tucker, Pamela

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Oigny, Jeffrey
Reagan, John
Sapienza, Marie
Sullivan, James
Tasker, Kyle
Webb, James

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Newton, Clifford
Pitre, Joseph

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Carol

Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 105**BELKNAP**

Bolster, Peter

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Sad, Tara

Carr, Daniel
Meader, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

Johnsen, Gladys
Roberts, Kris

COOS

Coulombe, Gary

Merrick, Evalyn

GRAFTON

Almy, Susan
Nordgren, Sharon
White, Andrew

Benn, Bernard
Pierce, David

Cooney, Mary
Smith, Suzanne

Harding, Laurie
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Daler, Jennifer
Gargas, Carolyn	Garrity, Patrick	Gimas, John	Goley, Jeffrey
Greazzo, Phil	Judy, Jean	Katsiantonis, Thomas	Levasseur, Nickolas
Long, Patrick	Messier, Irene	Moran, Edward	Pilotte, Maurice
Porter, Marjorie	Ramsey, Peter	Rhodes, Brian	Rokas, Ted
Shaw, Barbara	Sullivan, Daniel		

MERRIMACK

Bouchard, Candace	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Kidder, David	MacKay, James
Owen, Derek	Potter, Frances	Rice, Chip	Richardson, Gary
Richardson, Jon	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	DiPentima, Rich	Hutchinson, Karen
Lovejoy, Patricia	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Peckham, Michele	Perkins, Lawrence	Powers, James	Read, Robin Jr
Rice, Frederick	Sapareto, Frank	Schlachman, Donna	Schroader, Adam
Sheffert, Kenneth	Waddell, James	Ward, Joanne	

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy
Kaen, Naida	Keans, Sandra	Pelletier, Marsha	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Sprague, Dale
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
Schmidt, Andrew			

and the majority committee report was adopted.

SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Dan McGuire for the Majority of Finance: The state has a program to provide aid to public water and wastewater projects. Since October 2008 new money for these projects has been unavailable, so subsequent projects have been added to a waiting list. There are now 87 projects on the list. Current law would fund these projects on a first-come first-served basis. SB 158 would freeze the list as of June 30, 2011 and proportionally fund all projects on the list as funds become available. Any subsequent projects would go on a new first-come first-served list. While the majority is sympathetic to those municipalities who are waiting for funding, we dislike retroactive policy changes and see no compelling reason to change the operation of the waiting list. Vote 18-8.

Rep. Karen C. Umberger for the Minority of Finance: The current method of distributing payments for state aid grants for the 77 wastewater projects and 10 water projects, approved by the department of environmental services since 2008 should be changed from first in first paid to a sharing of any dollars available across all projects. When these projects were approved by the voters there was an expectation that funds would be available to support the state's promised 20% of the construction costs. This did not happen because no money was budgeted for the program. We believe the fairer method of funding is to share the money across all projects so every project would receive some funding as it might become available. We recognize there is no money in the budget to support funding for any of the 87 water/wastewater construction projects.

The question being adoption of the majority committee report of Inexpedient to legislate.

Rep. Umberger spoke against.

Rep. Dan McGuire spoke in favor and yielded to questions.

On a division vote, 282 members having voted in the affirmative and 91 in the negative, the majority committee report was adopted.

Rep. Cox declared a conflict of interest and did not participate.

SB 46, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country. **INEXPEDIENT TO LEGISLATE.**

Rep. James D. Summers for Science, Technology and Energy: This bill would have reconstituted a commission to study the upgrading of the Coos electric transmission system, also known as the "Coos loop." Prior commissions have studied the issue for almost 5 years, spent almost \$200,000 on consulting reports, had interesting dialogue, but still have not been able to get all stakeholders to reach a solution for funding the upgrades. The root of the problem is this: for-profit, renewable energy developers (wind farms, biomass plants, hydro-electric dams) want to build projects in the North Country (usually in remote locations), but do not want to pay for the transmission line upgrades necessary to bring their power onto the regional electric grid. Some stakeholders feel that the developers should bear all the cost; some feel that ratepayers should front the cost; some feel costs should be allocated or otherwise socialized. The majority of the committee believes that since the parties have been unable to reach agreement after all these years, another commission and potentially another consulting study would be a waste of time and resource. The majority also felt that electric ratepayers should not be expected to subsidize transmission upgrades which are not necessary for system reliability and which will benefit profit-making developers. Vote 10-6. Committee report adopted.

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. **INEXPEDIENT TO LEGISLATE.**

Rep. Sam A. Cataldo for Science, Technology and Energy: This bill would have mandated that a specific chemical (denatonium benzoate) be added to certain engine coolants and antifreeze to render them unpalatable. The purpose of adding a "bittering agent" to antifreeze would be to make it unpalatable to animals and children, in the hopes that they will not drink it and be poisoned. While the majority cares about animal health, we had several problems with the bill. First, it mandated only one bittering solution, even though there are multiple options available in the market. Second, it frees both the antifreeze manufacturers and chemical manufacturers from legal liability when the products are blended. Third, it includes multiple exclusions that watered down the desired impact of the bill. This mandate is not needed and we encourage the antifreeze manufacturers to voluntarily offer "bittered" product for sale in the state. Vote 8-7.

Rep. Cali-Pitts spoke against.

LAI D ON THE TABLE

Rep. Cali-Pitts moved that **SB 55-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable, be laid on the table.

On a division vote, 303 members having voted in the affirmative and 70 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. **TOUGH TO PASS.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill requires the commissioners of the departments of health and human services, corrections and the attorney general to enter into a memorandum of understanding (MOU) to establish an inter-departmental team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. The purpose of the MOU is to promote collaboration and cooperation across all service systems to determine and recommend system responsibility for providing and/or funding specific services and supports to effectively meet the needs of the individual and the public safety of the community in accordance with the rules of the respective departments. There is no fiscal impact related to this bill. Vote 14-0.

Rep. Blankenkoper spoke in favor and requested a roll call; sufficiently seconded.

YEAS 350 NAYS 28**YEAS 350****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Butynski, William
Emerson, Susan
Lerandeau, Alfred
Moore, Robert Jr
Smith, Edwin
Weed, Charles

Byrnes, John
Hunt, John
Lindsey, Steven
Parkhurst, Henry
Sterling, Franklin Jr

Cartwright, Anne
Johnsen, Gladys
Meador, David
Roberts, Kris
Tatro, Bruce

Dwinell, Richard
Johnson, Jane
Moore, Charles
Sad, Tara
Weber, Lucy

COOS

Daugherty, Duffy
Richardson, Herbert

Merrick, Evalyn
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

GRAFTON

Almy, Susan
Cooney, Mary
Harding, Laurie
Pierce, David
Smith, Suzanne

Bradley, Lester
Eaton, Stephanie
Ingretson, Paul
Reilly, Harold Sr
Sorg, Gregory

Brosseau, Charles
Gionet, Edmond
Ladd, Rick Jr
Shackett, Jeffrey
Sova, Charles

Bulis, Lyle
Gould, Franklin
Mirski, Paul
Simard, Paul
White, Andrew

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Bergevin, Jerry
Burt, John
Champagne, Norma
Condra, William
Daler, Jennifer
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Kurk, Neal
Long, Patrick
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James

Balboni, Michael
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christensen, D.L. Chris
Cote, David
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Garrity, Patrick
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Lambert, George
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony

Ball, J. Michael
Belanger, James
Brown, Kevin
Campbell, David
Christiansen, Lars
Coughlin, Sean
Day, Russell
Drisko, Richard
Gagne, Larry
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hopper, Gary
Judy, Jean
LeBrun, Donald
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette

Baroody, Benjamin
Belvin, William
Brownrigg, Randall Jr
Cebrowski, John
Coffey, James
Cusson-Cail, Kathleen
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Gimas, John
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Levasseur, Nickolas
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pilotte, Maurice

Porter, Marjorie
 Reed, Michael
 Rokas, Ted
 Shaw, Barbara
 Souza, Kathleen
 Summers, James
 Twombly, Timothy
 Whitehead, Randall

Pratt, Calvin
 Renzullo, Andrew
 Rosenwald, Cindy
 Silva, Peter
 Stepanek, Stephen
 Swank, Matthew
 Ulery, Jordan
 Willette, Robert

Proulx, Mark
 Rhodes, Brian
 Rowe, Robert
 Simmons, Tammy
 Stroud, Kathleen
 Terrio, Ross
 Vaillancourt, Steve

Ramsey, Peter
 Robbins, David
 Seidel, Carl
 Soucy, Connie
 Sullivan, Daniel
 Thomas, Joseph
 Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
 DeStefano, Stephen
 Hamm, Christine
 Kotowski, Frank
 Lockwood, Priscilla
 McGuire, Dan
 Sanborn, Laurie
 Smith, Todd
 Winter, Steven

Bouchard, Candace
 Foose, Robert
 Hill, Gregory
 Kreis, Kenneth Sr
 MacKay, James
 Palfrey, David
 Seaworth, G. Brian
 Soltani, Tony

Cohn, Seth
 Gile, Mary
 Hoell, J.R.
 Lauer-Rago, Kathleen
 McDonnell, John
 Reed, Dennis
 Shurtleff, Stephen
 Wallner, Mary Jane

Cox, Sean
 Giuda, J. Brandon
 Keane, Thomas
 Lindsley, Mark
 McGuire, Carol
 Richardson, Jon
 Smith, Molly
 Watrous, Rick

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Birdsell, Regina
 Charron, Gene
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Hagan, Joseph
 Introne, Robert
 Kolodziej, Walter
 Mauro, Donna
 Murphy, Brian
 Oligny, Jeffrey
 Perkins, Lawrence
 Reagan, John
 Sanders, Elisabeth
 Schroadter, Adam
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Weyler, Kenneth

Allen, Mary
 Bates, David
 Brown, Paul
 Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Headd, James
 Itse, Daniel
 Lundgren, David
 McKinney, Betsy
 Nevins, Chris
 Pantelakos, Laura
 Quandt, Marshall
 Reichard, Kevin
 Sapareto, Frank
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne

Antosz, Jason
 Belanger, Ronald
 Cali-Pitts, Jacqueline
 Comerford, Timothy
 Devine, James
 Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Kappler, Lawrence
 MacMahon, Bruce
 McMahon, Charles
 Norelli, Terie
 Peckham, Michele
 Quandt, Matt
 Rice, Frederick
 Sapienza, Marie
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

Azarian, Gary
 Bettencourt, David
 Case, Frank
 Copeland, Timothy
 Dowling, Patricia
 Fesh, Robert
 Griffin, Mary
 Hutchinson, Karen
 Katsakiores, Phyllis
 Manuse, Andrew
 Moody, Marcia
 Okerman, Richard
 Perkins, Amy
 Read, Robin Jr
 Ritter, Glenn
 Schlachman, Donna
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

STRAFFORD

Andolina, Donald
 Cataldo, Sam
 Grassie, Anne
 Jones, Laura
 Munck, Philip
 Parsons, Robbie
 Spang, Judith
 Wall, Janet

Berube, Roger
 DeLemus, Susan
 Groen, Warren
 Kaen, Naida
 Newton, Clifford
 Pitre, Joseph
 Sprague, Dale
 Watters, David

Brown, Julie
 Domingo, Baldwin
 Hooper, Dorothea
 Larsen, Kirsten
 O'Connor, William
 Roberts, Jenna
 Vita, Carol
 Weeden, Michael

Browne, Brendon
 Ginsburg, Philip
 Jones, Kyle
 Leonard, Frederick Jr
 Panek, William
 Schmidt, Peter
 Vita, Lucien

SULLIVAN

Bowers, Spec
 Howard, Thomas
 Osgood, Joe

Cloutier, John
 LaCasse, Paul Sr
 Rodeschin, Beverly

Cunningham, Steven
 Laware, Thomas
 Smith, Steven

Gagnon, Raymond
 Lovett, Charlene

**NAYS 28
BELKNAP**

None

CARROLL

None

CHESHIRE

Carr, Daniel Chase, Cynthia Hawkes, Samuel

COOS

Coulombe, Gary Theberge, Robert

GRAFTON

Aguiar, James Benn, Bernard Nordgren, Sharon Taylor, Kathleen
Townsend, Charles

HILLSBOROUGH

Brunelle, Michael Katsiantonis, Thomas Warden, Mark

MERRIMACK

Frazer, June Kidder, David Owen, Derek Potter, Frances
Rice, Chip Richardson, Gary Williams, Robert

ROCKINGHAM

DiPentima, Rich Lovejoy, Patricia Powers, James

STRAFFORD

Horrigan, Timothy Pelletier, Marsha Spainhower, Dale

SULLIVAN

Lefebvre, Benjamin Schmidt, Andrew
and the committee report was adopted and ordered to third reading.

MOTION TO PRINT REMARKS

Rep. Baldasaro moved that the remarks made by Rep. Blankenkaker be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Blankenkaker: Thank you, Mister Speaker and thank you, colleagues. I just wanted to point out in SB 51 that the first line of the bill says that the Attorney General shall enter into a memorandum of understanding establishing an inter-departmental team. Further down on the bill it also says that the Attorney General shall submit an annual report beginning on November 1st to the President of the Senate, the Speaker of the House of Representatives and the Governor. I just wanted to remind everybody that when we listened to House Bill 89 and House Bill 440, the Attorney General testified in front of the State-Federal Relations Committee that it was unconstitutional, in his opinion, that we compel him to do anything and that statutorily he could not be compelled by this body or any other legislative body under the constitution to do anything. So, I just wanted to remind folks that that's out there. He did not, just for the record or to my knowledge and by the testimony from the Criminal Justice Committee to me, did not testify in front of the House Committee, Criminal Justice Committee on this bill to the contrary. He didn't come and state that again. We heard a lot of testimony. The last time I was at the well, I don't need to rehash all the reasons why I believe it's constitutional and, in fact, I found it quite interesting that the Senate brought this bill when they also have in our calendar's today that they are asking for the Supreme Court to give us a decision under a resolution, their Resolution 9, have asked the Supreme Court to answer that question for us. So, for those of you who believed that this is constitutional, feel free to vote with the bi-partisan 14-0 committee recommendation that this is constitutional and have it fly and for those of you who don't, well, I guess you can do what you want.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

SB 95, establishing a commission to study youth sports concussions and other concussions received while at school. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: Concussions are being studied across the country by professional and college sports. We do not need to do it also. The New Hampshire interscholastic athletic association (NHIAA) has adopted the very strict National Federation of state High Schools (NFHS) guidelines on handling concussions. These guidelines include cognitive abilities that have to be met before the student can even return to exercise for a sport. The NHIAA also has guidelines for any injury during a practice or game. It is no longer up to the coach, athlete or even the parents, a licensed medical professional has to give the okay and every high school has to have one available for all practices and games. Gone are the days of, "I'm okay coach. Put me in." Vote 13-3.

Rep. Gile spoke against.

Rep. Boehm spoke in favor.

On a division vote, 289 members having voted in the affirmative and 83 in the negative, the committee report was adopted.

SB 40, making technical corrections to meals and rooms tax laws. **OUGHT TO PASS.**

Rep. Patrick F. Abrami for Ways and Means: This bill simply makes technical corrections to meals and rooms tax laws as requested by the department of revenue administration. These changes involved license renewals, rate corrections, gender neutral statements, account separation due to delinquent payments and bond requirements. The committee unanimously agreed that these changes were both required and reasonable. Vote 17-0.

Rep. Weyler offered floor amendment (2163h).

Floor Amendment (2163h)

Amend the title of the bill by replacing it with the following:

AN ACT making technical corrections to meals and rooms tax laws and reducing the tobacco tax.

Amend the bill by replacing all after section 6 with the following:

7 Tobacco Tax Rate Reduced. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of \$[~~1.78~~] **1.68** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

8 Tobacco Products Other Than Cigarettes; Tax Rate Reduced. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of [~~65.03~~] **48** percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. No such tax shall be imposed on premium cigars.

9 Applicability. Sections 7 and 8 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall have 60 days to sell inventory in their possession at the tax rate in effect prior to the rate reduction. The department of revenue administration shall not issue a refund for the difference, if any, in the amount paid previously on such inventory and the tax rate established in sections 7 and 8 of this act.

10 Effective Date.

I. Section 9 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days from its passage.

AMENDED ANALYSIS

This bill makes technical corrections to meals and rooms tax laws. The bill also reduces the tobacco tax rate.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Almy spoke against.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 272 NAYS 108**YEAS 272****BELKNAP**

Accornero, Harry
Greemore, Robert
Millham, Alida
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Soucy, Connie
Sullivan, Daniel
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Reed, Michael
Seidel, Carl
Souza, Kathleen
Summers, James
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Levasseur, Nickolas
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory

Cohn, Seth
Hoell, J.R.

Cox, Sean
Keane, Thomas

Giuda, J. Brandon
Kotowski, Frank

Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

McDonnell, John
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Schroadter, Adam
Smith, William
Tamburello, Daniel
Ward, Joanne

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tasker, Kyle
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Larsen, Kirsten
O'Connor, William
Vita, Carol

Berube, Roger
Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Cataldo, Sam
Jones, Kyle
Munck, Philip
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Jones, Laura
Newton, Clifford
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 108

BELKNAP

Bolster, Peter

Pilliod, James

CARROLL

Knox, J. David

Schmidt, Stephen

CHESHIRE

Butynski, William
Hawkes, Samuel
Meador, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Daler, Jennifer	Gargas, Carolyn	Garrrity, Patrick	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gorman, Mary	Jeady, Jean
LeBrun, Donald	Long, Patrick	Pilotte, Maurice	Porter, Marjorie
Ramsey, Peter	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara			

MERRIMACK

Bouchard, Candace	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Kidder, David	Lockwood, Priscilla
MacKay, James	Owen, Derek	Potter, Frances	Rice, Chip
Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	DiPentima, Rich	Gould, Kenneth
Lovejoy, Patricia	Moody, Marcia	Murphy, Brian	Norelli, Terie
Pantelakos, Laura	Perkins, Lawrence	Powers, James	Read, Robin Jr
Schlachman, Donna	Serlin, Christopher	Waddell, James	

STRAFFORD

Brown, Julie	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Hooper, Dorothea	Horrigun, Timothy	Kaen, Naida	Keans, Sandra
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and floor amendment (2163h) was adopted.
Committee report adopted and ordered to third reading.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 1, 2011 at 9:00 a.m.

Rep. Soltani spoke against.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 255 NAYS 119

YEAS 255**BELKNAP**

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	Simpson, Tyler
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belanger, James
Brown, Kevin
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rhodes, Brian
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Bergevin, Jerry
Burt, John
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Robbins, David
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Richardson, Jon
Smith, Todd

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Chirichiello, Brian
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce

Allen, Mary
Bates, David
Brown, Paul
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Manuse, Andrew

Antosz, Jason
Belanger, Ronald
Case, Frank
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna

Azarian, Gary
Bettencourt, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McMahon, Charles

Murphy, Brian
Peckham, Michele
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Nevins, Chris
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Oigny, Jeffrey
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Newton, Clifford
Pitre, Joseph

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Carol

Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr

NAYS 119

BELKNAP

Bolster, Peter

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Meader, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandau, Alfred
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Theberge, Robert

Merrick, Evalyn
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Champagne, Norma
Gidge, Kenneth
Judy, Jean
Pepino, Leo
Rokas, Ted
Sullivan, Daniel

Brunelle, Michael
Cote, David
Gimas, John
Katsiantonis, Thomas
Pilotte, Maurice
Rosenwald, Cindy

Buxton, Michael
Daler, Jennifer
Goley, Jeffrey
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara

Campbell, David
Garrity, Patrick
Gorman, Mary
Long, Patrick
Ramsey, Peter
Stroud, Kathleen

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances
Soltani, Tony

DeStefano, Stephen
Hamm, Christine
Rice, Chip
Wallner, Mary Jane

Foose, Robert
MacKay, James
Richardson, Gary
Watrous, Rick

Frazer, June
Owen, Derek
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth

Copeland, Timothy
Lovejoy, Patricia

Devine, James
Moody, Marcia

DiPentima, Rich
Norelli, Terie

Pantelakos, Laura
Quandt, Marshall
Schlachman, Donna

Perkins, Amy
Quandt, Matt
Serlin, Christopher

Perkins, Lawrence
Read, Robin Jr
Webb, James

Powers, James
Sapienza, Marie

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

Laware, Thomas

Lefebvre, Benjamin

and the motion was adopted.

LATE SESSION

Third reading and final passage

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions.

SB 189, relative to the definition of mortgage loan originator.

SB 68, relative to records of disciplinary actions taken by the electricians' board.

SB 34-FN, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases.

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies.

SB 65, making technical corrections to a law relative to court facility financing.

SB 139-FN, relative to state recoveries of public assistance caused by fraud.

SB 176, relative to marriage licenses.

SB 144, relative to extending certain permits and approvals.

SB 22, relative to alternative regulation of small incumbent local exchange carriers.

SB 93, relative to pharmacist administration of vaccines.

SB 120, relative to alcoholic beverage advertising restrictions.

SB 162-FN, relative to federal health care reform 2010.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

SB 67, establishing a committee to study school vouchers and school choice.

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

SB 40, making technical corrections to meals and rooms tax laws.

UNANIMOUS CONSENT

Reps. Graham, Itse, Gile and Peter Schmidt addressed the House.

MOTION TO PRINT REMARKS

Rep. Mirski moved that the remarks made by Rep. Graham be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Graham: Thank you, Mister Speaker. My colleagues at the close of, shall I say, an anticlimactic session it is only fitting that we contemplate for a moment those things that bind us together as a state and as a nation. Two weeks ago we approved a resolution lauding the efforts of our intelligence and military communities for their successful raid on the bin Laden compound. It was fitting that we did so, but that triumph must be bittersweet to those who have lost friends, family and loved ones over the last decade. This weekend we will, collectively, celebrate Memorial Day. Most, if not all of us, in this chamber will participate in parades or other ceremonies. It is an opportunity for us to

reflect on the sacrifices that each generation of Americans has been called upon to make in order that we might assemble in peace here in the Peoples' House. They truly understood that freedom is not free. The fourth and final stanza of the Star Spangled Banner hints at this sentiment. It reads in part:

"O! thus be it ever, when freemen shall stand
Between their loved home and the war's desolation.
Blest with vict'ry and peace, may the Heav'n rescued land
Praise the Power that hath made and preserved us a nation!"

And indeed we are blessed and we should recall that the preservation of our state and nation has been at the cost of the blood and lives of hundreds of thousands of men and women. It is this cost that we should all reflect on this weekend. Today our state has hundreds of men and women serving in the armed forces around the world and like their forefathers in spirit if not name, they continue to pay the price. Since last Memorial Day, New Hampshire has lost 5 young men in combat. Most of them have been previously eulogized in this Chamber, but let us take a moment, this Memorial Day, to remember them and reflect on their sacrifice one last time. They are: Staff Sergeant Kyle R. Warren, U.S. Army, from Manchester; Master Sergeant Jared N. Van Aalst, U.S. Army, from Laconia; Sergeant Andrew C. Nicol, U. S. Army, from Kensington; Corporal Philip G. E. Charte, U. S. Marine Corps, from Goffstown; and Lance Corporal Michael E. Geary, U. S. Marine Corps, from Derry. Mr. Speaker, I request a moment of silence to remember these men and their families. Thank you, Mr. Speaker.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the men and women who have lost their lives fighting for our freedom.

MOTION TO PRINT REMARKS

Rep. Norelli moved that the remarks made by Rep. Itse be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Itse: Thank you, Mister Speaker. During my first two terms in this body, Representative Alf Jacobson would get up to commemorate the battle of Iwo Jima and he would tell us about his experiences because he was in the Marine Corps and was part of that assault on that island and he would tell us the hardships and tragedies of his comrades in arms and bring tears to this body. For the last several years we have not been doing that. I first want to commend Rep. Jacobson who left this earth a little more than a year ago on April 18, 2010. He was not only a Representative, but he served in the Senate from 1969 to 1978 and was President of the Senate from 1975 to 1978. For those of you who are freshmen, when you come across from the Storrs Street garage, you can see a plaque that bears his name as Senate President when that was constructed. He then came back to the House and served another ten terms as a Representative and was at the Constitutional Convention in 1984. I thought how can I possibly do justice to this man who not only sacrificed his time in this body, but put his very life on the line in Iwo Jima? I have something very special. My father graduated high school in 1944. He enlisted in the Navy in July of 1944 and then turned 18 on August 6 of 1944. A young farm boy went to war. He left me his journal and I will read you his excerpts on the battle of Iwo Jima and Okinawa. Now, Representative Jacobson was on the beach, but as you may know, for every man that is actually in combat, there are ten supporting him. My father was one of those. He served on a LST (Logistical Supply Transport).

April 13 – Arrived at Iwo Jima. Beached on Brown Beach and unloaded. LSM 87 got caught in our stern anchor during an air raid. She banged our side and boats. LCT 863 punched a hole in us amid ships. They are still fighting ashore. We can see them in hand-to-hand combat on the north end of the island. They did well for themselves. Iwo Jima is a funny island. Shaped like a diamond with a circle on one end. There are no trees or grass.

April 16 – We left Iwo Jima empty. We were followed all night by a ship. LE escort attacked her and sunk her.

April 29 – We arrived at Okinawa. We came into the west side at the Nagashi anchorage. We had to come in very fast as there was a battleship protecting at the anchorage, but at sea the Japanese shore batteries could find us. We came in at an emergency flank speed, about 13 knots. We got near the air strip and anchored. We began unloading the fog oil to all the small ships. They

would come alongside. The first night we had an air raid about dusk or 1900. There was much fire. Some bombs hit close. More landed on the airstrip. We sleep at 5 in the morning, then we unloaded some more. At about 9 that morning we launched an LCT on our main deck. LCT 463. Every night we had air raids and almost every day. Nice days and nights. I didn't get a chance to take my clothes off to sleep. One night suicide planes came. Only a cruiser was hit. Many merchant ships were sunk. A hospital ship was hit.

May 13 - We left Okinawa with our tank deck empty and our main deck clear.

June 1 - I was made Seaman First Class as a signalman.

June 26 - We arrived at Okinawa and went to Nagashushi. It is just north of B..... Bay. During our stay on the beach I went ashore with them. I looked over the homes and grave scene of Northern Okinawa. I picked up a few souvenirs there. They still have air raids here. Not as long and not as many planes.

July 1 - We went around the south point of the island over to the west side. It was very strong and two other ships were afraid and turned back. The waves were 30 to 60 ft high. Late in the afternoon we anchored in anchorage.

July 3- We went to Napa Harbor, the capital of Okinawa. It was a small harbor cluttered with sunken ships, the city in ruins with smoke still coming up. We loaded with marines and broken-down equipment.

July 4- We left Okinawa.

August 15 - V. J. Day

Aug 17 - We arrived at Okinawa. Unloaded troops and equipment. The place really stank when we got those men off. Went to Buchnes Bay to get the main engines repaired. Later we went to Nagushi and loaded with Army engineers and their equipment. Rad Parker came aboard and visited me.

Sept. 13- Left Okinawa. I met a couple of nice fellows here, one of them from Iowa.

Oct. 10 - We arrived at Okinawa and anchored at Nagushi. We were the only 4 ships. There were 6 of us when we left Taku. Don't know what became of the other two. We haven't had any mail for almost three months. August 6 was the last time I had mail. We were all expecting a lot of mail, but the Post Office had blown away. No mail. Things were a mess here. There were ships piled up on the beaches and the buildings ashore were flat.

Oct. 17 - We left Okinawa unloaded for the Philippines.

They were headed home. Thank you.

MOTION TO PRINT REMARKS

Rep. Wallner moved that the remarks made by Rep. Gile be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Gile: Thank you, Mister Speaker. Mister Speaker and Honorable colleagues, I rise to pay tribute to a former member of the New Hampshire House who was a mentor and advisor to me during my freshman year fifteen years ago. In 1997, I was appointed to the House ED&A Committee and it was my good fortune to have Rep. Bob Murphy, Democrat from Manchester and Rep. Mert Dyer, Republican from Peterborough, as two of my friends. Mert died a few years ago. On May 12, 2011, Bob Murphy passed away. I decided that I would request unanimous consent on this Memorial Day weekend to share some of the information that I read in his obituary to tell you what an extraordinary person he was. Representative Murphy graduated from the University of Maine and joined the United States Army in 1939. Upon declaration of World War II, he joined the 18th Infantry Regiment of the First Army and commanded an infantry company in the amphibious invasion of Algeria, near Oran, the North African campaign, the amphibious invasion of Sicily, the D-Day invasion of Omaha Beach, Normandy, and the European Campaign. For his efforts he was awarded two Silver Stars, three Bronze Stars with Valor Device, the Croix de Guerre, and the Purple Heart. Following World War II he remained in the Army for a total of twenty-nine years and that included two tours of duty in Vietnam. Bob retired to Manchester in 1968 joining the Hillsborough County Superior Court as Deputy Clerk and became Clerk in 1980. He retired from the court system in 1988 and after a brief period as Hillsborough County Commissioner, was elected to the General Court where he served for many years. Colonel Robert Murphy dedicated more than sixty years of service to this nation and his state, including two wars on three continents. He truly was a member of the greatest generation and it was my privilege and good fortune to know and learn from this outstanding American.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of former Representative Bob Murphy.

MOTION TO PRINT REMARKS

Rep. Watters moved that the remarks made by Rep. Peter Schmidt be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Peter Schmidt: Thank you, Mister Speaker. The name I'm about to utter will be unfamiliar to most of the members of the House, but to the longer serving members, it will be a name well known. Unfortunately the City of Dover suffered a great loss earlier this month when former Representative William McCann, Jr. died. Some of you may have seen the obituary. He came to an unfortunate end and somewhat mysterious in that he was found several days after the incident must have occurred on his cold kitchen floor in February having sustained some kind of a fall in which he broke his neck and he was subsequently put into rehabilitation. As you can imagine at the age of 66, such an injury puts you in very difficult circumstances and unfortunately, but perhaps for the best considering the circumstances, he passed away at the beginning of May. Those of you who have served here for a long time will remember Bill McCann as one of leadership of the Democrats in the House. He was an outstanding public servant for a long time in Dover. He was a member of the Dover school board for more than twenty years, serving as its Chairman as well. He was also on the Dover planning commission and the conservation commission in addition he was a tireless activist for all kinds of public good. Even if his name is unfamiliar to most, his passing should not go unremarked by this body and I would ask for a moment of silence in honor of Bill McCann, Jr. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of former Representative William McCann, Jr.

RECESS MOTION

Rep. Silva moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference.

Adopted.

The House recessed at 1:05 p.m.

RECESS

(Rep. Benn in the Chair)

ENROLLED BILL AMENDMENTS

SB 30, relative to including a parent's residence in the parenting plan. (Amendment printed SJ 5-25-11)
Adopted.

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine. (Amendment printed SJ 5-25-11)
Adopted.

SENATE MESSAGES**ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

The President appointed Sens. White, Sanborn and Houde.

HB 33, relative to the care of memorials in Franconia Notch state park.
The President appointed Sens. Gallus, Barnes and Merrill.

HB 299-FN, relative to the method of financing for the judicial retirement plan.
The President appointed Sens. Carson, Luther and Larsen.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

The President appointed Sens. Carson, Groen and Larsen.

HB 483-FN-L, relative to mosquito control.

The President appointed Sens. Barnes, Lambert and Kelly.

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

The President appointed Sens. Barnes, Stiles and Merrill.

RECESS

(Rep. Chandler in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 44, 132, 178, 246, 262, 284, 317, 339 and Senate Bills numbered 36, 81, 96, 107, 147 and 180.

Rep. Kidder, Sen. Prescott for the Committee

RECESS

(Rep. Nevins in the Chair)

ENROLLED BILL AMENDMENTS

HB 291, relative to permissible fireworks.

Amendment (1986-EBA)

Amend section 1 of the bill by replacing line 2 with the following:

with 27 C.F.R. section 555.11: RSA 158:9-c, III-a; 158:9-f, III; 160-B:1, I, IX, and X; 160-C:1, II, III, Adopted.

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program.

Amendment (1955-EBA)

Amend section 2 of the bill by replacing lines 2-3 with the following:

II(c) to read as follows:

(c) The child and parent, guardian, or other custodian *give knowing, informed, and* Adopted.

HB 398, relative to service animals.

Amendment (1968-EBA)

Amend RSA 167-D:1, I as inserted by section 2 of the bill by replacing line 3 with the following: be used or occupied, as the home, residence, or sleeping place of one or more persons, but shall not

Amend RSA 167-D:2, I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Providing nonviolent protection or rescue work.

Amend RSA 167-D:3 as inserted by section 2 of the bill by replacing line 5 with the following:

to direct the education and upbringing of a child under his or her control is hereby affirmed; nor shall

Amend RSA 167-D:9 as inserted by section 2 of the bill by replacing line 3 with the following: privileges conferred by law upon other persons; and the failure of a person with a disability to use a Adopted.

HB 532-L, relative to municipal liability for dog bites.

Amendment (1916-EBA)

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. RSA 466:23, relative to lawsuits against municipalities regarding damages caused by dogs. Adopted.

SENATE MESSAGES

CONCURRENCE

HB 74, relative to the ticketing and season passes at Cannon Mountain.

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors.

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security.

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor.

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information.

HCR 22, declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington", no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.

CONCURRENCE WITH AMENDMENTS

SB 42, relative to the declaration of consideration for purposes of the real estate transfer tax.

SB 56-FN, authorizing the department of revenue administration to accept credit card and debit card payments of taxes.

SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park.

SB 116, relative to the manufactured housing installation standards board and relative to the definition of a modular building.

SB 156-FN-L, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

NONCURRENCE

HB 254, relative to offers of judgments.

HB 510, requiring marital masters to be New Hampshire residents.

HB 540-FN, relative to motor vehicle inspections.

NONCONCURRENCE WITH AMENDMENTS

SB 78-FN-A-L, relative to motor vehicle registration fees.

SB 90, directing the legislative oversight committee to study the consolidation of school administrative units.

RE-REFERRED TO COMMITTEE

HB 508-FN, establishing a performance measurement system for state agencies.

HB 520-FN, requiring certain bills to have performance standard notes.

LAIID ON THE TABLE

HB 305, relative to the homestead right.

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

HJR 4, prohibiting the implementation of certain rules of the board of medicine.

RECESS

(Speaker O'Brien in the Chair)

Rep. Silva moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 20

Wednesday, June 1, 2011

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Almighty and Heavenly Father in whom we live and move and have our being, without whom we can do nothing, grant, we humbly pray Your blessings and protection upon our Nation and this great State of New Hampshire. In our world of often heavy trials or small struggles we rely on You to secure the path to our higher nature in responding rightly to the challenges of the day. Save us from apathy and indifference. Give us a more realistic sense of Your presence and hold us high above the cynicism of the day. Keep us from freezing others into a condition of permanent injustice. Keep us focused on liberating them for the hope that is their due.....the right to exercise their unrestrained liberty given by You in this nation under God. Help us see that our work for the people is true government and no necessary evil, but rather a device of divine wisdom to supply true human wants. Next, after praising You, it is our greatest good. Following upon our Memorial weekend for the departed who defended our liberty and whose silent battalions now march before You, Lord, we ask for renewed strength and power to preserve all for which they died. Keep our way of life loved, respected, obeyed, and if need be, defended at the cost of all earthly goods and even of life. We pray this in Your Holy name. Amen.

Representative Daniel Sullivan, member from Manchester, led the Pledge of Allegiance.

Rep. Mary Griffin of Windham led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Beattie and Hofemann, the day, illness.

Reps. James Coffey, Day, James Garrity, Kreis, Leonard, Bruce MacMahon, Dick Patten, Dennis Reed, Stroud and Yvonne Thomas, the day, important business.

INTRODUCTION OF GUESTS

Eric Spang, son of Rep. Spang. Claire and Paul Buffard, guests of Rep. Umberger. Ian Hill, son of Rep. Hill. Caroline Davenport, daughter of Rep. Davenport. The Honorable Ron Nowe, former member from Epping, guest of Rep. Weyler.

SENATE MESSAGES

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies.

The President appointed Sens. Bragdon, Carson and Houde.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Flanders, Nevins and Taylor.

REQUESTS CONCURRENCE WITH AMENDMENT

HB 52, relative to grounds for modification of parental rights and responsibilities. (Amendment printed SJ 5-11-11)

Rep. Moran moved that the House concur and spoke in favor.

Adopted.

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

The President appointed Sens. Prescott, De Blois and Houde.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Flanders, Manuse and Leonard.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 248, establishing a commission to study business regulations in New Hampshire. (Amendment printed SJ 5-18-11)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Jennifer Coffey, Mirski and Schlachman.

HB 322, relative to occupancy fees charged by manufactured housing park owners. (Amendment printed SJ 5-25-11)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

HB 601-FN, relative to implementation of federal health care reform. (Amendment printed SJ 4-27-11)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Flanders, Manuse and Taylor.

HB 25-FN-A, making appropriations for capital improvements. (Amendment printed SJ 5-25-11)

Rep. Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Chandler, Seidel, Graham, Edwin Smith and Campbell.

HB 337-FN-L, relative to the calculation and distribution of adequate education grants. (Amendment printed SJ 5-25-11)

Rep. Lynne Ober moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lynne Ober, Hess, Renzullo and Connie Soucy.

CONSENT CALENDAR

Rep. Jasper moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

Rep. William Panek declared a conflict of interest on SB 117 and did not participate in the vote on the Consent Calendar.

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund. **UGHT TO PASS WITH AMENDMENT.**

Rep. J. R. Hoell for Education: This bill amends the definitions and exceptions for the governing of private postsecondary career schools. The bill authorizes the executive director of the postsecondary education commission to establish guidelines to exempt schools from providing surety indemnification after having paid into the guaranty fund for at least 5 years. This bill also eliminates the requirement that postsecondary career schools be licensed, allowing schools to opt out of the licensing system. Schools electing not to be licensed are required to prominently display in contracts and enrollment forms that the school is not licensed by the postsecondary education commission. Furthermore, the schools electing not to be licensed are required to notify the students that payments made to the school are not covered by the guaranty fund and may be subject to loss. Vote 15-0.

Amendment (2051h)

Amend RSA 188-D:19, II as inserted by section 2 of the bill by replacing it with the following:

II. "Private postsecondary career school" shall not include barbering or cosmetology schools, schools offering training that has been approved by a state agency with appropriate jurisdiction over such training, including but not limited to the plumber's board, the electrician's board, the office of the state fire marshal, the division of fire standards and training and emergency medical services, and schools providing federally-required flight or ground instruction to students, or legal entities that license training and learning solutions primarily to other legal entities rather than to students.

Amend the bill by replacing section 3 with the following:

3 Private Postsecondary Career Schools; Licenses and Fees. Amend RSA 188-D:20 to read as follows:

188-D:20 Licenses and Fees.

I. ~~[Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the executive director to determine if the entity requires a license. The executive director, in consultation with the postsecondary education commission, shall establish procedures to accomplish this review.~~

H. A] *Any private postsecondary career school maintaining a physical presence in this state and which assesses tuition or fees for providing vocational or occupational training [shall] may register to obtain a license or license renewal from the postsecondary education commission. Upon request by a school for a license or license renewal under this section, the executive director shall review such school to determine if the school meets the minimum criteria established for a license.* The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the executive director[; in consultation with the postsecondary education commission]. The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees, and criteria for rejecting a licensing applicant and for suspending or revoking a license.

[HE.] II. A school [that is not required to obtain a license may apply for a license and], upon issuance of the license, shall be subject to the provisions of RSA 188-D:19 through RSA 188-D:28. Such school may voluntarily surrender its license and revert to its original status.

[HV.] III. The executive director[; in consultation with the postsecondary education commission;] shall adopt rules pursuant to RSA 541-A to establish reasonable fines, reimbursement rates for consultants, and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this subdivision.

[V.] IV. A private postsecondary career school which the executive director has determined [requires a] *has met the minimum criteria for a license* shall, prior to the issuance of a license, comply with [RSA 188-D:20;] RSA 188-D:20-a[;] and RSA 188-D:20-b.

V. *All enrollment forms and contracts used by an unlicensed private postsecondary career school in the state shall contain the following prominently displayed statement: "This postsecondary career school is not licensed by the state of New Hampshire. Any tuition payments made to this school are not guaranteed by the state and are subject to loss."*

VI. *When included in enrollment forms or contracts, the disclosure statement shall:*

(a) *Be printed in bold font and at least 14-point type, or at least 2 font sizes larger than the size of the font used for the majority of the document; and*

(b) *Be dated and initialed separately by the enrollee.*

Amend RSA 188-D:20-b, I(d) as inserted by section 5 of the bill by replacing it with the following:

(d) The fund shall be used to reimburse students when a *licensed* school has failed to faithfully perform its contractual obligations for tuition and instructional fees in the event of a school closing, and the expense of investigating and processing the claims. [The owner of] A *licensed* school which fails to perform its contractual obligations shall be [personally] liable to reimburse the fund for the difference between the per student amount paid into the fund by the school and the amount paid out of the fund to a student to settle a claim made against the school.

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-10 to read as 10-11, respectively:

9 Regulation of Private Postsecondary Career Schools; Penalty. Amend RSA 188-D:28 to read as follows:

188-D:28 Penalty.

I. Whoever violates any provision of this subdivision shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whenever the executive director determines that a person is violating any provision of this subdivision or the rules adopted hereunder, the executive director shall request the attorney general, or other appropriate official having jurisdiction, to provide appropriate relief.

III. ~~[The executive director, upon verifying that a school is operating without a license, shall issue a cease and desist order to such school.~~

IV.] *The executive director shall notify the postsecondary education commission [shall be notified] whenever a [cease and desist order is issued to a school] violation has occurred, or if a*

licensed school fails to provide the services required under a contract with any entity causing the bond to be forfeited~~[-or if a school is required to have a license but is operating without a license].~~

SB 172, relative to performance-based school accountability criteria. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Education: Best practices and high academic standards are necessary components of a quality education. The NH board of education approved the common core standards developed through a joint project of the National Governor's Association center for best practices and the chief state school officers. As of May 24, 2010, the department of education (DOE) had not yet received unformatted math standards. The state board of education approved the common core standards in principle on July 8, 2010. Eleven states received "Race to the Top" funding totaling \$4.35 billion to implement core standards, while NH received nothing but continues to move forward with the adoption process. NH already has an adopted curriculum framework with academic standards. Yes, those standards may require improvement, but this process should be a result of the NH DOE working closely with local school boards, educators and NH residents. Implementing the new curriculum standards will also be expensive: textbooks, testing design and implementation, teacher training, etc. This bill clearly states that common core standards shall not be adopted by rule pursuant to RSA 541-A, or included or implemented in any way in New Hampshire curriculum frameworks or used as a measure of an adequate public education without prior approval of the general court. Vote 16-0.

Amendment (1594h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to performance-based school accountability criteria and relative to requiring legislative approval for the adoption of the common core state standards in New Hampshire.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Substantive Educational Content of an Adequate Education. Amend RSA 193-E:2-a, IV to read as follows:

IV.(a) The school approval standards for the areas identified in paragraph I shall constitute the opportunity for the delivery of an adequate education. The general court shall periodically, but not less frequently than every 10 years, review, revise, and update, as necessary, the standards identified in paragraph I and shall ensure that the high quality of the standards is maintained. Changes made by the board of education to the school approval standards through rulemaking after the effective date of this section shall not be included within the standards that constitute the opportunity for the delivery of an adequate education without prior adoption by the general court. The board of education shall provide written notice to the speaker of the house of representatives, the president of the senate, and the chairs of the house and senate education committees of any changes to the school approval standards adopted pursuant to RSA 541-A.

(b) The "common core state standards" developed jointly by the National Governors Association Center for Best Practices and the Council of Chief State School Officers shall not be adopted by rule pursuant to RSA 541-A, or included or implemented in any way in the New Hampshire curriculum frameworks, or used as a measure of an adequate public education, without prior approval of the general court.

AMENDED ANALYSIS

This bill identifies new criteria for evaluating school accountability and requires prior approval by the general court for the inclusion or implementation of the common core state standards in the definition of an adequate education or as part of the New Hampshire curriculum frameworks.

SB 194, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph W. Fleck for Education: This bill authorizes transfer of all real and personal property from the former department of regional community technical colleges to the board of trustees of the community college system of New Hampshire. It further authorizes the board of trustees to sell real property with prior approval of the governor and council and the long-range capital planning and utilization committee. Effective date of this bill is contingent on the community college completing a survey of its Concord property and evidence of insurance on the property. Vote 15-0.

Amendment (2145h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the transfer of real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire and relative to the tax exempt status of real estate and personal property owned by the community college system of New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Community College System of New Hampshire; Transfer Authorized. Amend RSA 188-F by inserting after section 1 the following new section:

188-F:1-a Transfer Authorized. All functions, powers, duties, books, papers, records, and property of every kind, tangible and intangible, real and personal, possessed, controlled, or used by the former department of regional community-technical colleges as of the effective date of this section are hereby transferred to and vested in the board of trustees of the community college system of New Hampshire established in RSA 188-F:4. Nothing in this section shall transfer real property commonly associated with the McAuliffe-Shepard discovery center or the police standards and training council.

2 Real Estate and Personal Property Tax Exemption. Amend RSA 72:23, I(d) to read as follows:

(d) The exemptions provided in subparagraph (a) shall apply to the lands and the buildings and structures thereon and therein and personal property owned by the university system of New Hampshire *or the community college system of New Hampshire*. The requirements of subparagraph (b) shall apply to all leases and other agreements entered into or renewed on or after April 1, 2006, the terms of which provide for the use or occupation by others of real or personal property owned by the university system of New Hampshire *or the community college system of New Hampshire*. The remedies set forth in subparagraph (c) shall be available to enforce the payment of real and personal property taxes assessed against the lessees of property owned by the university system of New Hampshire *or the community college system of New Hampshire* pursuant to this subparagraph.

3 New Paragraph; Community College System of New Hampshire; Authority of Board of Trustees. Amend RSA 188-F:6 by inserting after paragraph XIII the following new paragraph:

XIII-a. Enter into a contract for the sale of real property with the prior approval of the long range capital planning and utilization committee and governor and council, provided that the state shall retain the right of first refusal in any proposed sale of real property. This paragraph shall not apply to real property acquired by the community college system of New Hampshire after the effective date of this paragraph.

4 Community College System of New Hampshire; Survey of Concord Property. Sections 1-3 of this act shall take effect on the date the community college system of New Hampshire provides written notice to the secretary of state, the attorney general, and the director of the office of legislative services that a survey of the community college system's Concord property has been completed and that the community college system has secured insurance on all land, buildings, and personal property on its Concord property.

5 Effective Date.

I. Sections 1-3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Authorizes the transfer of all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

II. Clarifies the tax exempt status for real estate and personal property owned by the community college system of New Hampshire.

III. Authorizes the board of trustees of the community college system of New Hampshire to sell real property with prior approval of the long range capital planning and utilization committee.

IV. Provides that the effective date of this act is contingent on the community college system of New Hampshire completing a survey of its Concord property and providing evidence of insurance coverage for its Concord property.

SB 115, relative to observing voter check-in. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M. Hoelzel for Election Law: This bill clarifies that authorized challengers, election officials and any others authorized by law, may stand within six feet of the ballot clerks for observing voter check-in. All others would stand at least six feet away unless authorized by the moderator. Vote 15-0.

Amendment (1983h)

Amend the bill by replacing section 1 with the following:

1 Observing Voter Check-In. Amend RSA 659:13-a to read as follows:

659:13-a Observing Voter Check-In. No person ~~[not]~~ ***other than an authorized challenger, an election official, or any other person*** authorized by law may stand or sit within 6 feet of the ballot clerk for purposes of observing the check-in of voters without the express permission of the moderator.

AMENDED ANALYSIS

This bill identifies persons who are exempt from the restrictions on observing voter check-in.

SB 135-FN-A, relative to election returns and election records. **OUGHT TO PASS.**

Rep. Cameron W. DeJong for Election Law: This bill modifies the requirements for election returns and establishes additional election recordkeeping requirements. The bill requires that neglect by a moderator or clerk be intentional for the neglect to be punishable as a violation. The committee decided that the modifications herein will assist moderators and other election officials in their duties by reducing the amount of paperwork required on election night and by increasing the deadlines for submission of other paperwork to the secretary of state. Vote 15-0.

SB 193, relative to nomination of political organizations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N. Jasper for Election Law: As introduced, the legislation would have extended the time period from about 5 to about 17 months for a political organization to collect signatures to present nomination papers representing 3 percent of the registered voters along with a slate of candidates to be voted on in the general election. The amendment makes changes which allow political organizations to file nomination papers to establish party status and participate in the primary process. Under the amendment, the chairman of the organization shall notify the secretary of state that the organization intends to collect signatures to achieve ballot status. After the notification, and within a year of collecting the first signature, the organization must turn in signatures equal to at least 3 percent of the voters of the state. Those voters signing the papers will do so understanding that, if the organization obtains ballot status, they will become registered members of that new party. In order to maintain ballot status, the party must receive at least 4 percent of the votes cast for the office of governor or U. S. senate, which is the current law. The committee believes that by making these changes we have leveled the playing field by giving a new party the opportunity to participate in the primary. We also believe that the existing law, which allows the petitioners to decide who will run for office in the general election without voter input, is not part of a healthy process. Vote 15-0.

Amendment (2158h)

Amend the bill by replacing all after the enacting clause with the following:

1 Terms and Definitions; Party. Amend RSA 652:11 to read as follows:

652:11 Party. "Party" shall mean any political organization which:

I. At the preceding state general election received at least 4 percent of the total number of votes cast for any one of the following: the office of governor or the offices of United States senators; ***or***

II. Is certified by the secretary of state pursuant to RSA 655:40-a.

2 New Paragraph; Change of Registration. Amend RSA 654:34 by inserting after paragraph V the following new paragraph:

VI. Upon certification of a political organization as a party by the secretary of state pursuant to RSA 655:40-a, every voter signing a nomination paper submitted for the party shall be registered as a member of that party, regardless of whether the voter has been previously registered as a member of another party or as an undeclared voter. Such voter shall not disaffiliate with the party between the date of certification and the date of the state primary election. If the party does not receive sufficient votes at the general election to retain its status as a party, voters registered as a member of the party shall then be reregistered as undeclared voters. The secretary of state shall cause all changes of registration required by this paragraph to be entered in the statewide centralized voter registration database.

3 Declaration of Intent. Amend RSA 655:17-c to read as follows:

655:17-c Declaration of Intent; Political Organization. Declarations of intent for political organizations shall be in the following form and signed by the chairman of the political organization:

I, _____, chairman of the _____ organization hereby declare that the _____ organization intends to file nomination papers by the deadline established under RSA 655:43, I. ~~[I further declare that the _____ organization intends to file the names of candidates for the following offices with the nomination papers.]~~

4 Nomination Papers. Amend RSA 655:40 to read as follows:

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which the candidate is nominated, and the political organization or principles the candidate represents. Nomination papers shall be signed by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign and date an individual nomination paper. Nomination papers *for a candidate* shall be dated in the year of the election.

5 Nomination of Organization. Amend RSA 655:40-a to read as follows:

655:40-a Nomination of Organization. A political organization may ~~[have its name placed on the ballot for the state general election]~~ **be certified as a party** by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such papers shall contain the name of the political organization and **a statement that the signer agrees that, if the political organization is certified as a party, the signer's voter registration shall be changed so that he or she shall then be registered as a member of that party. Nomination papers shall be signed and dated** by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper ~~[which allows]~~ **nominating** a political organization ~~[access to the]~~ **during any biennial state general election [ballot] cycle. No nomination paper shall be submitted under this section that was executed more than one year before the submission or that was executed before the organization's filing of its declaration of intent under RSA 655:43, III. The certification of a political organization as a party shall be effective from the date of the certification through the date of next following state general election.**

6 Filing Deadlines. Amend RSA 655:43, I to read as follows:

I. Nomination papers *for a candidate* shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday one week before the primary. **Nomination papers for a political organization shall be filed with the secretary of state no later than 5:00 p.m. on the Friday 5 weeks before the beginning of the candidate filing period.** Nomination papers to be filed shall be grouped by municipality. No nomination papers *for a candidate* shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he or she seeks at the time of the general election and meets all the other qualifications at the time of filing; and if a candidate for the office of governor, executive councilor, state senator, or state representative, unless the candidate shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless the candidate shall meet the qualifications for office under RSA 655:3 and 655:4.

7 Filing Deadlines. Amend RSA 655:43, III to read as follows:

III. No political organization ~~[shall have the names of its candidates placed on the ballot]~~ **may be certified as a party** unless the chairman of the organization ~~[files]~~ **had filed** a declaration of intent, as provided in RSA 655:17-c, ~~[within the filing deadline for candidates established in RSA 655:14-a]~~ **prior to the collection of signed and dated nomination papers.**

8 Repeal. RSA 655:40-b, relative to filing names of candidates, is repealed.

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the definition of "party" for election purposes to include a political organization nominated by nomination papers. Voters signing the nomination papers will be reregistered as members of that party. The certification of a party expires at the next general election.

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill would have the State of N.H. pay a medical insurance benefit to the surviving spouse and family for someone killed

in the line of duty. The amount paid would be the difference between the total premium due and the medical subsidy, if any, that is paid by the New Hampshire retirement system. Currently, state workers are given this benefit and this would add municipalities, cities and towns. The committee amendment merely changes the effective date. Vote 14-0.

Amendment (2174h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SB 12-FN, relative to screening panels for medical injury claims. OUGHT TO PASS WITH AMENDMENT.

Rep. Gregory M. Sorg for Judiciary: This bill, as amended by the Senate, seeks to extend to December 1, 2013 the life of the joint medical malpractice panel and insurance oversight committee created by Chapter 197:1 of the Laws of 2005 and codified at RSA 519-B:11. The purpose of the committee was to study and make a final report by December 1, 2010 on the effects, if any, that the prescreening process mandated by Chapter 197 for suits alleging medical malpractice was having on medical malpractice insurance premiums and access to the courts by injured parties. In its final report, the committee recommended extending the life of the committee by reason that the limited number of medical malpractice claims filed between 2005 and 2010 had provided insufficient data upon which to base definitive findings. As amended, this bill would reconstitute the committee and require it to make its final report by December 1, 2012. Vote 15-0.

Amendment (2150h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Medical Malpractice Panel and Insurance Oversight Committee Established.
Amend RSA 519-B by inserting after section 12 the following new sections:

519-B:13 Medical Malpractice Panel and Insurance Oversight Committee Established.

I. There is established a committee to study medical malpractice insurance rates in this state and the mandatory panels for medical injury claims process.

II. The committee shall consist of 4 members of the senate appointed by the senate president, and 4 members of the house of representatives, appointed by the speaker of the house of representatives. The house members shall include at least:

(a) One member of the house judiciary committee.

(b) One member of the house health, human services and elderly affairs committee.

(c) One member of the house commerce and consumer affairs committee.

III. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

IV. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. The committee shall review and analyze information provided by the administrative office of the courts and the insurance department related to medical injury liability claim activity in order to determine the effectiveness of mandatory screening panels for medical injury claims established in this chapter. The committee's review shall include, but not be limited to, whether medical malpractice insurance premiums have been affected and whether there has been any limitation of access to the courts by injured parties.

VI. The committee shall make a final report of its findings about medical liability insurance rates and the mandatory panel process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2012. The report shall include a recommendation to terminate, continue, or amend RSA 519-B.

519-B:14 Reports.

I.(a) The administrative office of the courts shall collect data on medical injury claims and submit a report on the screening panel process to the committee established in RSA 519-B:13 and to the insurance commissioner on or before September 30 of each year.

(b) The report required by this paragraph shall include the number of medical injury cases filed, pending, and resolved; and the number of panel hearings and the number of panel hearing days during the fiscal year ending on the June 30 preceding the report date.

(c) The report required by this paragraph shall also include, for medical injury cases resolved during the fiscal year:

(1) The mean and median lengths of time from initial filing to final resolution.

(2) The number and average settlement amount of cases that were resolved prior to the panel hearing.

(3) The number and average settlement amount of cases that were resolved after a panel hearing but before a trial.

(4) The number and average settlement amount of cases that were resolved by or after a jury verdict.

(d) The report required by this paragraph shall also include, for medical injury cases in which a panel made findings during the fiscal year, the number of cases that fell into each category of possible results of a panel hearing (unanimous for the plaintiff; majority for the plaintiff; unanimous for the defendant; majority for the defendant), the status, and, if applicable, the results of the cases in each category.

(e) To the extent possible, the report required by this paragraph shall include comparative data from the previous 5 years.

II.(a) The insurance commissioner shall report to the committee established in RSA 519-B:13 annually, on or before November 1 of each year, on the medical malpractice market and the effects of the panel process established in this chapter. Such reports shall include, but not be limited to, the average rates of medical liability insurance for categories of medical providers and specialties identified by the insurance commissioner, the frequency and severity of medical injury claims, and the time for resolution of medical injury claims from first notice to final resolution.

(b) The insurance commissioner may adopt rules to collect the data from insurers necessary to prepare the report required by this paragraph. To the extent the commissioner collects information from insurers regarding individual claims, loss adjustment and other expenses, reserves, indemnity payments, or other financial information that is not otherwise reported to the commissioner and available to the public, such information shall be treated as examination materials, kept confidential, and not be subject to RSA 91-A.

2 Repeal. The following are repealed:

I. RSA 519-B:13, relative to the medical malpractice panel and insurance oversight committee.

II. RSA 519-B:14, relative to reports.

3 Effective Date.

I. Section 2 of this act shall take effect December 31, 2012.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill reestablishes the medical malpractice panel and insurance oversight committee.

SB 50, making various changes to laws regulating trusts and trust companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This is a second committee referral for this bill, which, as recommended with amendment by the Commerce and Consumer Affairs Committee, passed the House on the Consent Calendar on May 4th. The bill makes changes to the statutes governing trusts and trust administration in order to maintain New Hampshire's competitiveness among the states in this growing economic sector, in furtherance of this state's policy of establishing and maintaining New Hampshire as a leading jurisdiction in the national market for financial, trust and fiduciary services and in the creation of the financial service jobs that will bring. The committee amendment merely eliminates certain redundant statutory references. Vote 15-0.

Amendment (1999h)

Amend RSA 564:19 inserted by section 5 of the bill by deleting paragraph VI.

Amend RSA 564-B:10-1005 as inserted by section 11 of the bill by deleting subparagraph (e).

SB 108, relative to emergency obstetrical care. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: The committee agreed that the goal of the sponsors is laudable, namely encouraging health care professionals to practice in the North Country and reducing medical care liability costs for health care professionals. The committee also unanimously agreed that this bill does nothing to attain the stated goals. The bill purports to provide civil immunity to those

providing emergency obstetrical care in a licensed facility to a new patient, by providing immunity from damages or injuries caused by conduct prior to the rendering of emergency obstetrical care. However, under existing law, no medical professional can be held liable for damages or injuries caused by conduct prior to them seeing the patient. As such, this bill is simply unnecessary. Vote 15-0.

SB 97, relative to the application of the community revitalization tax relief incentive. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank V. Sapareto for Ways and Means: This bill enables local communities around the state to offer community revitalization tax relief for buildings that have been destroyed by fire or acts of nature where such destruction occurred within 15 years prior to local adoption of the chapter. This incentive was previously available only to existing buildings that were sought to be revitalized or replaced. County and state revenues will not be impacted by this bill. Vote 20-0.

Amendment (2005h)

Amend RSA 79-E:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. Cities or towns may further limit "qualifying structure" according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals. *Cities or towns may further modify "qualifying structure" to include buildings that have been destroyed by fire or acts of nature, including where such destruction occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town.* Amend RSA 79-E:13, II as inserted by section 3 of the bill by replacing it with the following:

[HH:] II. The tax relief granted under this chapter shall only apply to substantial rehabilitation or replacement that commences after the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect the public benefit as required in this chapter, *provided that in the case of a qualifying structure which is a building destroyed by fire or act of nature, and which occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town, the tax relief may apply to such qualifying structure for which replacement has begun, but which has not been completed, on the date the application for relief under this chapter is approved.*

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bill Ohm for Ways and Means: This bill declares that the accumulated surplus funds in the Medical Malpractice Joint Underwriting Association (JUA) belong to the policyholders who paid these premiums and shall be returned to them. The surplus cannot be used for other purposes such as transfer to the general fund. The only exception is grants to providers of underserved populations, using only those funds due policyholders who cannot be located. The surplus is approximately \$110 million. A question as to a potential tax liability was raised and now this bill requires the JUA, the insurance commissioner and a representative of the policyholders to request an opinion from the IRS as to the potential tax liability. It is unclear if there is indeed any federal tax liability. The auditing firm PricewaterhouseCoopers LLP estimates the maximum potential tax liability to be \$19.4 million. To be safe, this bill puts aside \$25 million of the \$110 million surplus to cover this potential tax liability and provides a "claw back" on the distributions if the reserve is exceeded. An amendment to the bill makes it clear that any potential deficit in the JUA created by this distribution would be made up solely by the policyholders and the insurance companies would have no liability. This amendment was agreed to by both the policyholders and the insurance companies. This bill also establishes a commission to study the future of the JUA, make recommendations for proposed legislation and report back by December 1, 2011. Vote 20-0.

Amendment (2133h)

Amend RSA 404-C:14, II as inserted by section 2 of the bill by replacing it with the following:

II. All funds held as of the effective date of this section by the NHMMJUA in excess of the amount required for the fund to remain actuarially sound, as determined by a qualified actuary, shall

constitute excess surplus funds and shall not be less than \$110,000,000 in accordance with 2009, 144:1. Such determination shall be completed under the direction of the NHMMJUA board of directors not more than 45 days from the effective date of this section. All such excess surplus funds have resulted from premiums paid under assessable and participating medical malpractice insurance policies, belong to the policyholders who paid these premiums, and shall be returned as directed under this section. Within 60 days from the effective date of this section, all excess surplus funds, except for a reserve of \$25,000,000 for the payment of any federal tax liability, shall be interpleaded into the Merrimack County Superior Court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to excess surplus funds. All distributions made to policyholders shall be subject to a claim from the NHMMJUA to reclaim a pro rata portion of the distribution to satisfy any federal tax liabilities in excess of the \$25,000,000 reserved for such claims.

Notwithstanding any other provision of law to the contrary, in no event shall any insurer which is a member of the NHMMJUA, as defined in Ins 1703.01(i), be assessed nor shall there be a surcharge, as provided in Ins 1703.07(f)(2), with respect to any deficit arising from the distribution of excess surplus funds described in this paragraph.

REGULAR CALENDAR

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for the Majority of Criminal Justice and Public Safety: This bill allows a person, who is anywhere he or she has a right to be, to use deadly force to protect oneself or a third person. It provides that a person, unless prohibited by statute who is anywhere they have a right to be and permits persons who meet the requirement established in RSA 159:4 to carry a firearm openly or concealed, loaded or not in a vehicle. Includes a civil immunity provision. Vote 9-3.

Rep. Philip E. Ginsburg for the Minority of Criminal Justice and Public Safety: This bill makes several changes in the laws related to the citizen's right to self-defense and licensing to carry firearms. The minority is concerned primarily with two elements of the bill. This bill expands the conditions in RSA 627:4, III, under which a person may use deadly force to defend himself or a third person against a person he fears may use deadly force against either of them. RSA 627 designates action under these conditions as a "complete defense" to any offense that would be considered unlawful in other circumstances. The minority's concern is primarily with new provisions under RSA 627:4, III. The existing law says deadly force in self-defense is justified and then lists exceptions. One exception occurs if the person can safely retreat from the encounter. The law then provides for an exception, involving the so-called "Castle Doctrine." The law treats a person's dwelling as distinct from all other places, conferring special protection to the individual confronting an intruder: a person is not required to retreat within his dwelling or associated areas ("curtilage"). This bill expands this exemption from the obligation to retreat to "anywhere [a person] has a right to be," treating every place, public or private, as if it were equal to the sacred precincts of one's home. We are concerned that in expanding this special privilege beyond the rightly sacrosanct boundaries of the home, the bill unnecessarily endangers public safety. The invitation to untrained amateurs with firearms or other deadly weapons to insert themselves into a situation where they have no knowledge of prior events or the individuals involved can only endanger public safety by adding to the complexity of the scene, thus compromising the ability of law enforcement officers or others involved to manage a threatening person while securing the safety of members of the public. This bill also eliminates the requirement of a license to carry a concealed weapon. The minority opposes this provision for three reasons: 1) It removes the useful opportunity for licensing authorities to observe applicants at regular intervals (now four years, five years under SB 88 to check for any changes in legal status or personal circumstances that might affect their suitability to carry a concealed weapon; 2) it eliminates a source of income for municipalities that places a very small burden on those paying the fees; and 3) it eliminates a useful tool for law enforcement personnel investigating public disturbances involving armed persons, where they may use possession of a license to distinguish between law-abiding citizens and others.

Majority Amendment (2156h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to physical force in defense of a person, brandishing a firearm or other means of self-defense, and carrying firearms.

Amend the bill by replacing all after the enacting clause with the following:

1 Physical Force in Defense of Person. Amend RSA 627:4, III to read as follows:

III. A person is not justified in using deadly force on another to defend himself or *herself* or a third person from deadly force by the other if he *or she* knows that he *or she* and the third person can, with complete safety:

(a) Retreat from the encounter, except that he *or she* is not required to retreat if he *or she* is within his *or her* dwelling [or], its curtilage, *or anywhere he or she has a right to be*, and was not the initial aggressor; or

(b) Surrender property to a person asserting a claim of right thereto; or

(c) Comply with a demand that he *or she* abstain from performing an act which he *or she* is not obliged to perform; nor is the use of deadly force justifiable when, with the purpose of causing death or serious bodily harm, the [actor] *person* has provoked the use of force against himself *or herself* in the same encounter[-]; *or*

(d) If he *or she* is a law enforcement officer or a private person assisting [him] *the officer* at [his] *the officer's* direction and was acting pursuant to RSA 627:5, [he] *the person* need not retreat.

2 Sentences and Limitations. Amend RSA 651:2, II-g to read as follows:

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime. ~~[The person shall be given a minimum mandatory sentence of not less than 3 years' imprisonment for a first offense and a minimum mandatory sentence of not less than 6 years' imprisonment if such person has been previously convicted of any state or federal offense for which the maximum penalty provided was imprisonment in excess of one year, and an element of which was the possession, use or attempted use of a firearm. Neither the whole nor any part of the minimum sentence imposed under this paragraph shall be suspended or reduced.]~~

3 Pistols and Revolvers; Carrying Without License. RSA 159:4 is repealed and reenacted to read as follows:

159:4 Carrying Without License.

I. Notwithstanding any provision of law to the contrary, no person shall be guilty of an offense for carrying a firearm, openly or concealed, loaded or unloaded, upon or about his or her person, or upon or in a vehicle, whether or not such person possesses a license, permit, or other authorization to carry a firearm.

II. The provisions of paragraph I shall not constitute a bar to prosecution for any of the following offenses:

(a) RSA 159:3, relative to convicted felons.

(b) RSA 159:3-a, relative to armed career criminals.

(c) RSA 159:19, relative to courthouse security.

(d) RSA 207:7, relative to hunting from a motor vehicle, OHRV, snowmobile, boat, or aircraft.

(e) RSA 215-A:20, relative to loaded firearms on an OHRV.

(f) RSA 215-C:35, relative to loaded firearms on a snowmobile.

(g) RSA 637:7, relative to receiving stolen property.

(h) RSA 637:7-a, relative to possession of property without a serial number.

(i) RSA 597:7-a, relative to default or breach of conditions of release.

4 Pistols and Revolvers; Exceptions. Amend RSA 159:5 to read as follows:

159:5 Exceptions. ~~[The provisions of]~~ RSA 159:3 ~~[and 4]~~ shall not apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the armed services of the United States when on duty; nor to the national guard when on duty; nor to organizations by law authorized to purchase or receive such weapons; nor to duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from, their customary places of assembly.

5 Pistols and Revolvers; Optional License to Carry. Amend RSA 159:6, I to read as follows:

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a non-resident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or

revolver in this state for not less than [4] 5 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [4] 5 years. When required, license renewal shall take place within the month of the ~~[fourth]~~ **fifth** anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be ~~[\$100]~~ **\$50**, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. ***The form shall require no more information than was required on the state of New Hampshire application for pistol/revolver license, form DSSP 85, as revised in December 2009.*** No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

6 Pistols and Revolvers; Reciprocity. Amend RSA 159:6-d to read as follows:

159:6-d Full Faith and Credit for Licenses From Other States; Reciprocity. ~~[Notwithstanding the provisions of RSA 159:6;]~~ No nonresident ~~[holding a current and valid license to carry a loaded pistol or revolver in the state in which he resides]~~ or ~~[who is a]~~ peace officer ~~[in the state in which he resides;]~~ shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

I. Such nonresident carries upon his person the license held from the state in which he resides; ~~[and]~~ **or**

II. Such nonresident is in compliance with RSA 159:4; or

~~[H:]~~ **III.** The state in which such person is a resident provides a reciprocal privilege for residents of this state.

7 Pistols and Revolvers; Exemption. Amend RSA 159:14 to read as follows:

159:14 Exemption. None of the provisions of this chapter shall prohibit an individual not licensed under the provisions thereof who is not engaged in the business of selling pistols or revolvers from selling a pistol or revolver to a person ***qualified pursuant to RSA 159:4, or who is*** licensed under this chapter, or to a person personally known to him ***or her***.

8 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:

V. The licensee shall not be entitled to carry any firearms while hunting under the provisions of this section, unless such licensee also possesses a valid firearms hunting license ~~[or a valid license to carry firearms issued pursuant to RSA 159]~~ ***or is otherwise qualified pursuant to RSA 159:4.***

9 New Section; Justification; Civil Immunity. Amend RSA 627 by inserting after section 1 the following new section:

627:1-a Civil Immunity. A person who uses force in self-protection or in the protection of other persons pursuant to RSA 627:4, in the protection of premises and property pursuant to RSA 627:7 and 627:8, in law enforcement pursuant to RSA 627:5, or in the care or welfare of a minor pursuant to RSA 627:6, is justified in using such force and shall be immune from civil liability for personal injuries sustained by a perpetrator which were caused by the acts or omissions of the person as a result of the use of force. In a civil action initiated by or on behalf of a perpetrator against the person, the court shall award the person reasonable attorney's fees, and costs, including but not limited to, expert witness fees, court costs, and compensation for loss of income.

10 Justification; Definitions. Amend RSA 627:9, IV to read as follows:

IV. "Non-deadly force" means any assault or confinement which does not constitute deadly force. ***The act of producing or displaying a weapon shall constitute non-deadly force.***

11 Repeal. RSA 21-P:14, II(f), relative to the authority of the commissioner of the department of safety to adopt rules relative to the issuance of nonresident pistol permits, is repealed.

12 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Allows a person who is anywhere he or she has a right to be to use deadly force to protect oneself or a third person.

II. Permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded, on or about his or her person or upon or in a vehicle.

III. Removes, under certain circumstances, the requirement that nonresidents obtain a license to possess a firearm while in New Hampshire.

IV. Inserts a civil immunity provision for the use of force against a perpetrator in certain circumstances.

V. Deletes the minimum mandatory sentencing requirement for felony convictions which include the possession, use, or attempted use of a firearm.

VI. Amends the definition of "non-deadly force" to include the act of producing or displaying a weapon.

Majority committee amendment adopted.

Rep. Hoell offered floor amendment (2235h).

Floor Amendment (2235h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the use of deadly force to protect oneself, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, relative to the definition of "non-deadly" force, and relative to the natural right to carry a firearm, openly or concealed, without a license.

Amend the bill by replacing all after the enacting clause with the following:

1 Title. This act shall be known as the Constitutional Carry Act of 2011.

2 Physical Force in Defense of a Person. Amend RSA 627:4, III(a) to read as follows:

(a) Retreat from the encounter, except that he *or she* is not required to retreat if he *or she* is within his *or her* dwelling [or], its curtilage, *or in any place where he or she has a right to be or reasonably believes he or she has a right to be*, and was not the initial aggressor; or

3 New Paragraph; Assault and Related Offenses; Criminal Threatening. Amend RSA 631:4 by inserting after paragraph IV the following new paragraph:

V. A person who is on his or her own property and who responds to a trespasser who refuses to leave and displays or points a firearm or other means of self-defense with the intent to warn away the person shall not have committed a criminal act under this section.

4 Sentences and Limitations. Amend RSA 651:2, II-g to read as follows:

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime. The person ~~shall~~ *may* be given a minimum ~~mandatory~~ sentence of not less than 3 years' imprisonment for a first offense and a minimum ~~mandatory~~ sentence of not less than 6 years' imprisonment if such person has been previously convicted of any state or federal offense for which the maximum penalty provided was imprisonment in excess of one year, and an element of which was the possession, use or attempted use of a firearm. Neither the whole nor any part of the minimum sentence imposed under this paragraph shall be suspended or reduced.

5 Justification; Definitions. Amend RSA 627:9, IV to read as follows:

IV. "Non-deadly force" means any assault or confinement which does not constitute deadly force. *The act of producing, displaying, or pointing a weapon shall constitute non-deadly force.*

6 Purpose. The General Court finds that the laws in existence regulating firearms ownership, possession, and use, do nothing to prevent crime, and only interfere with the natural rights of law abiding citizens. The General Court also finds that citizens engaged in practices currently lawful under New Hampshire laws, such as open or concealed carry of a firearm, have been subjected to harassment by law enforcement. Therefore the General Court finds it necessary to codify the inherent

right to such practices. The General Court also reiterates that the right to self-defense is an inherent natural right and is stated in Part First, Articles 2 and 2-a, and shall not be abridged in any manner.

7 Affirmative Right to Carry. RSA 159:4 is repealed and reenacted to read as follows:

159:4 Affirmative Right to Carry. Notwithstanding any other provision of law to the contrary, except RSA 159:3, RSA 159:3-a, and RSA 159:19, every person present in this state, and not incarcerated in a prison or jail or under court order to be in a mental institution or who is not otherwise prohibited from possessing a firearm under RSA 159:3 or RSA 159:3-a shall have an affirmative right to keep and bear arms, such right includes but is not limited to: carrying openly or concealed, carrying loaded or unloaded, possession, use, acquiring, purchasing, transferring, inheriting, buying, selling, giving, or otherwise disposing of or receiving any firearm or self-defense tool without any license, permission, or restriction of any kind from or by any government agency.

8 Pistols and Revolvers; License to Carry. Amend RSA 159:6 to read as follows:

159:6 *Optional License to Carry.*

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a non-resident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than ~~[4]~~ 5 years from the *next anniversary of the applicant's date of birth following the date of issue*, if ~~[it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that]~~ the applicant is a suitable person to be licensed. ~~[Hunting, target shooting, or self-defense shall be considered a proper purpose.]~~ *Any person not prohibited from possessing a firearm under RSA 159:3 or RSA 159:3-a shall be deemed a suitable person.* The license shall be valid for all ~~[allowable]~~ lawful purposes ~~[regardless of the purpose for which it was originally issued]~~. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for ~~[4]~~ 5 years. ~~[When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance.]~~ The license shall be issued within 14 calendar days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. *The issuing authority shall be required to prove beyond a reasonable doubt that an applicant is not a suitable person under this section.* The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be ~~[\$100]~~ \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. *The form shall request no more information than was requested and require no more information than was required on the State of New Hampshire application for resident pistol/revolver license, form DSSP 85, as revised in December 2009.* No other forms shall be used *and no other information shall be requested* by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant.

III. Nothing in this section shall be construed to require that any person obtain a license under this section. Obtaining a license under this section is optional, but the voluntary nature of the license shall not be construed to relieve the issuing authority of the burden of proof for denying an application for a license. Issuance of a license under this section by law enforcement authorities shall be a per se determination that law enforcement authorities have verified that the individual is qualified under the law. Nothing in this paragraph shall prohibit a qualified applicant from obtaining a license from the selectmen of a town or the mayor of a city.

IV. The license issued under this section to a licensee who relocates from the city or town in which the license was issued, or who relocates from or becomes a resident of another state, shall remain valid until the expiration date on the license, and the licensee shall be under no obligation to obtain a new license or to notify the issuing authority in the licensee's new place of residence.

9 Pistols and Revolvers; Suspension or Revocation. Amend RSA 159:6-b to read as follows:
159:6-b Suspension or Revocation of License.

[E] The issuing authority may order a license to carry a loaded pistol or revolver issued to any person pursuant to RSA 159:6 to be suspended or revoked for just cause, provided written notice of the suspension or revocation and the reason therefore is given to the licensee. ~~[A licensee whose license has been suspended or revoked shall be permitted a hearing on such suspension or revocation if a hearing is requested by the licensee to the issuing authority within 7 days of the suspension or revocation]~~

~~H. When the licensee hereunder ceases to be a resident of the community in which the license was issued he shall notify in writing the issuing authority at his new place of residence that he has a current license. Such license shall remain in effect until it expires pursuant to RSA 159:6.]~~ ***In this section, "just cause" shall mean a person who is not a suitable person pursuant to RSA 159:6, I.***

10 Pistols and Revolvers; Appeal From Suspension or Denial. Amend RSA 159:6-c to read as follows:

159:6-c Appeal From Denial, Suspension, or Revocation. Any person whose application for a license to carry a loaded pistol or revolver has been denied pursuant to RSA 159:6 or whose license to carry a loaded pistol or revolver has been suspended or revoked pursuant to RSA 159:6-b may, within 30 days thereafter, petition the ***superior or*** district ~~[or municipal]~~ court in the jurisdiction in which such person resides to determine whether the petitioner is entitled to a license. The court shall conduct a hearing within 14 ***calendar*** days after receipt of the petition. ***The issuing authority shall afford discovery to the licensee or applicant at least 5 days prior to the hearing.*** During this hearing the burden shall be upon the issuing authority to demonstrate ~~[by clear and convincing proof]~~ ***beyond a reasonable doubt*** why any denial, suspension, or revocation was justified, failing which the court shall enter an order directing the issuing authority to grant or reinstate the petitioner's license. The court shall issue its decision not later than 14 days after the hearing on whether the petitioner is entitled to a license.

11 Pistols and Revolvers; Reciprocity. RSA 159:6-d is repealed and reenacted to read as follows:

159:6-d Reciprocity. The director of the division of state police shall negotiate and enter into reciprocal agreements in other jurisdictions to recognize in those jurisdictions the validity of the license issued under RSA 159:6. The director shall apply to every jurisdiction with which New Hampshire does not currently have a reciprocity agreement, at least once every 5 years to obtain recognition in those jurisdictions of the license issued under RSA 159:6. Any such agreement executed shall not expire unless an expiration date is required under the statutes of the reciprocal jurisdiction.

12 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Allows a person who is in any place where he or she has a right to be or reasonably believes he or she has a right to be to use deadly force to protect oneself.

II. Provides that a person who is on his or her own property and who responds to a trespasser who refuses to leave and displays or points a firearm or other means of self-defense with the intent to warn away the person making the threat shall not have committed criminal threatening.

III. Removes the minimum mandatory sentence for conviction of a felony involving the possession, use, or attempted use of a firearm, and makes the sentence for such a felony conviction discretionary.

IV. Provides that any person present in this state, and not incarcerated, in a prison, jail, or other secure facility, or who is not otherwise prohibited from possessing a firearm, shall have the affirmative right to possess or carry, whether openly or concealed, or use, acquire, purchase, inherit, sell, give, dispose of, or receive any firearm without a license, permit, or restriction of any kind from or by any government agency.

V. Provides that obtaining a license to carry a pistol or revolver shall be voluntary, shall be granted to any suitable person, and shall only be denied, suspended, or revoked upon proof of just cause beyond a reasonable doubt.

VI. Requires the director of the division of state police to negotiate and enter into agreements with other jurisdictions to recognize in those jurisdictions the validity of the license to carry issued in this state.

Rep. Hoell spoke in favor.

LAID ON THE TABLE

Rep. Swinford moved that floor amendment (2235h) be laid on the table.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 257 NAYS 92**YEAS 257
BELKNAP**

Bolster, Peter
Millham, Alida
Swinford, Elaine

Fields, Dennis
Pilliod, James
Tilton, Franklin

Flanders, Donald
Russell, David
Tobin, William

Kingsbury, Robert
St. Cyr, Jeffrey

CARROLL

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph
Scala, Dino

Morrow, Harry
Schmidt, Stephen

Patten, Betsey
Umberger, Karen

CHESHIRE

Butynski, William
Dwinell, Richard
Johnsen, Gladys
Meador, David
Sad, Tara
Weber, Lucy

Byrnes, John
Emerson, Susan
Johnson, Jane
Moore, Charles
Smith, Edwin
Weed, Charles

Carr, Daniel
Hawkes, Samuel
Lerandeau, Alfred
Parkhurst, Henry
Sterling, Franklin Jr

Chase, Cynthia
Hunt, John
Lindsey, Steven
Roberts, Kris
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Ladd, Rick Jr
Smith, Suzanne
Townsend, Charles

Almy, Susan
Gionet, Edmond
Nordgren, Sharon
Sorg, Gregory
White, Andrew

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
Sova, Charles

Bulis, Lyle
Ingbretson, Paul
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Barry, Richard
Brownrigg, Randall Jr
Champagne, Norma
Daler, Jennifer
Flanagan, Jack
Garrity, Patrick
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ober, Russell III
Pepino, Leo
Rhodes, Brian
Rowe, Robert
Silva, Peter
Twombly, Timothy

Ball, J. Michael
Belvin, William
Brunelle, Michael
Cote, David
Doherty, Shaun
Fredette, Robert
Gidge, Kenneth
Gorman, Mary
Hawkins, Kenneth
Hogan, Timothy
Judy, Jean
Long, Patrick
Mecheski, Holly
Ohm, Bill
Pilotte, Maurice
Robbins, David
Scotsas, Lisa
Souza, Kathleen
Ulery, Jordan

Baroody, Benjamin
Boehm, Ralph
Buxton, Michael
Coughlin, Sean
Donovan, Daniel
Gagne, Larry
Gimas, John
Graham, John
Hikel, John
Hopper, Gary
Katsiantonis, Thomas
Marcus, Bruce
Moran, Edward
Palmer, Barry
Porter, Marjorie
Rokas, Ted
Seidel, Carl
Sullivan, Daniel

Barry, J. Gail
Brown, Kevin
Campbell, David
Cusson-Cail, Kathleen
Drisko, Richard
Gandia, Laura
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Rosenwald, Cindy
Shaw, Barbara
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Gile, Mary

Coffey, Jennifer
Hamm, Christine

Foose, Robert
Hess, David

Frazer, June
Kidder, David

Kotowski, Frank
Owen, Derek
Rice, Chip
Smith, Molly
Williams, Robert

Lockwood, Priscilla
Palfrey, David
Richardson, Gary
Smith, Todd
Winter, Steven

MacKay, James
Patten, Dick
Sanborn, Laurie
Wallner, Mary Jane

McDonnell, John
Potter, Frances
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Bates, David
Cali-Pitts, Jacqueline
DeSimone, Debra
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Moody, Marcia
O'Connor, John
Perkins, Amy
Read, Robin Jr
Sapareto, Frank
Smith, William
Waddell, James
Welch, David

Allen, Mary
Belanger, Ronald
Case, Frank
Devine, James
Elliott, Robert
Gould, Kenneth
Introne, Robert
Lovejoy, Patricia
Murphy, Brian
Packard, Sherman
Perkins, Lawrence
Reagan, John
Schlachman, Donna
Sullivan, James
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Charron, Gene
DiPentima, Rich
Ferrante, Beverly
Griffin, Mary
Kappler, Lawrence
Major, Norman
Nevins, Chris
Pantelakos, Laura
Powers, James
Rice, Frederick
Sedensky, John
Tamburello, Daniel
Waterhouse, Kevin

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Mauro, Donna
Norelli, Terie
Peckham, Michele
Quandt, Marshall
Sanders, Elisabeth
Serlin, Christopher
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Horrigan, Timothy
Munck, Philip
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Kaen, Naida
Newton, Clifford
Spainhower, Dale
Watters, David

Browne, Brendon
Groen, Warren
Keans, Sandra
Parsons, Robbie
Spang, Judith
Weeden, Michael

Cataldo, Sam
Hooper, Dorothea
Larsen, Kirsten
Pelletier, Marsha
Sprague, Dale

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

Lefebvre, Benjamin

Osgood, Joe

NAYS 92

BELKNAP

Accornero, Harry
Malone, Robert

Comtois, Guy
Simpson, Tyler

Greemore, Robert
Worsman, Colette

Luther, Robert

CARROLL

Babson, David Jr

Knox, J. David

McCarthy, Frank

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Moore, Robert Jr

COOS

Richardson, Herbert

GRAFTON

Bradley, Lester
Shackett, Jeffrey

Brosseau, Charles
Simard, Paul

Mirski, Paul

Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Christensen, D.L. Chris
Erickson, Duane

Belanger, James
Condra, William
Hardwick, Harry

Bergevin, Jerry
Daniels, Gary
Holden, Frank

Burt, John
DeJong, Cameron
Krasucki, Joseph

Lambert, George
Palmer, Stephen
Proulx, Mark
Vaillancourt, Steve
Willette, Robert

Maltz, Jonathan
Parison, James
Soucy, Connie
Villeneuve, Moe

Messier, Irene
Peterson, Lenette
Stepanek, Stephen
Warden, Mark

Murphy, Keith
Pratt, Calvin
Swank, Matthew
Whitehead, Randall

MERRIMACK

Cohn, Seth
Hoell, J.R.
McGuire, Dan

Cox, Sean
Keane, Thomas
Seaworth, G. Brian

Giuda, J. Brandon
Lindsley, Mark

Hill, Gregory
McGuire, Carol

ROCKINGHAM

Antosz, Jason
Davenport, Joshua
Okerman, Richard
Schroadter, Adam
Tremblay, Stella

Brown, Paul
Itse, Daniel
Quandt, Matt
Shuler, Wyman III

Chirichiello, Brian
Lundgren, David
Reichard, Kevin
Sullivan, Kevin

Comerford, Timothy
Manuse, Andrew
Ritter, Glenn
Tasker, Kyle

STRAFFORD

DeLemus, Susan
Panek, William
Vita, Lucien

Jones, Kyle
Pitre, Joseph

Jones, Laura
Roberts, Jenna

O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
and the motion was adopted.

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Smith, Steven

LaCasse, Paul Sr

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Pantelakos spoke against.
Rep. Swinford spoke in favor.
Rep. Panek requested a roll call; sufficiently seconded.

YEAS 248 NAYS 111

YEAS 248

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Bolster, Peter
Greemore, Robert
Millham, Alida
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Lindsey, Steven
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
DeJong, Cameron
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hinch, Richard
Hopper, Gary
Lambert, George
McClarren, Donald
Murphy, Keith
Palmer, Barry
Peterson, Lenette
Robbins, David
Shaw, Barbara
Souza, Kathleen
Twombly, Timothy
Warden, Mark

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
Doherty, Shaun
Fredette, Robert
Gidge, Kenneth
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Donovan, Daniel
Gagne, Larry
Gonzalez, Carlos
Hardwick, Harry
Hogan, Timothy
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Parison, James
Proulx, Mark
Scontsas, Lisa
Simmons, Tammy
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hikel, John
Holden, Frank
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Hill, Gregory
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Cohn, Seth
Keane, Thomas
McDonnell, John
Richardson, Jon
Smith, Todd

Cox, Sean
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Giuda, J. Brandon
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Headd, James
Kappler, Lawrence
Major, Norman
Nevins, Chris
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Allen, Mary
Bates, David
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Webb, James

Antosz, Jason
Belanger, Ronald
Case, Frank
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Sullivan, James
Tremblay, Stella
Welch, David

Azarian, Gary
Bettencourt, David
Charron, Gene
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Itse, Daniel
Lundgren, David
McMahon, Charles
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
O'Connor, William
Vita, Carol

Brown, Julie
Jones, Kyle
Panek, William
Vita, Lucien

Cataldo, Sam
Larsen, Kirsten
Parsons, Robbie
Watters, David

DeLemus, Susan
Newton, Clifford
Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 111**BELKNAP**

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Johnson, Jane
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lerandeau, Alfred
Sad, Tara

Hawkes, Samuel
Meader, David
Tatro, Bruce

COOS

Coulombe, Gary

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Pierce, David
Townsend, Charles

Almy, Susan
Harding, Laurie
Simard, Paul
White, Andrew

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Bulis, Lyle
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gimas, John
Jeudy, Jean
Moran, Edward
Rhodes, Brian
Swank, Matthew

Brunelle, Michael
Daniels, Gary
Goley, Jeffrey
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

Campbell, David
Drisko, Richard
Gorman, Mary
LeBrun, Donald
Porter, Marjorie
Rosenwald, Cindy

Cote, David
Garrity, Patrick
Hutchinson, Winfred
Long, Patrick
Ramsey, Peter
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Hamm, Christine
MacKay, James
Rice, Chip
Watrous, Rick

Foose, Robert
Hess, David
Owen, Derek
Richardson, Gary
Williams, Robert

Frazer, June
Hoell, J.R.
Patten, Dick
Shurtleff, Stephen

Gile, Mary
Kidder, David
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
O'Connor, John
Schlachman, Donna

Copeland, Timothy
Moody, Marcia
Pantelakos, Laura
Serlin, Christopher

DiPentima, Rich
Murphy, Brian
Powers, James
Waddell, James

Gould, Kenneth
Norelli, Terie
Read, Robin Jr
Ward, Joanne

STRAFFORD

Berube, Roger
Hooper, Dorothea
Keans, Sandra
Schmidt, Peter
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Munck, Philip
Spainhower, Dale

Ginsburg, Philip
Jones, Laura
Pelletier, Marsha
Spang, Judith

Grassie, Anne
Kaen, Naida
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the majority committee report was adopted and ordered to third reading.

SENATE MESSAGES**NONCONCURS WITH AMENDMENT****REQUESTS COMMITTEE OF CONFERENCE**

SB 33-FN, relative to retired state employee contributions for medical benefits costs.
The President appointed Sens. Carson, Groen and D'Allesandro.
Rep. Carol McGuire moved that the House accede.
Adopted.

The Speaker appointed Reps. Carol McGuire, Pilotte, Winter and Bowers.

REQUESTS CONCURRENCE WITH AMENDMENTS

HCR 9, urging Congress to support H.R. 6416 or similar legislation relative to airport security.
(Amendment printed SJ 5-25-11)
Rep. Baldasaro moved that the House concur and spoke in favor.
Rep. Kurk spoke in favor.
Adopted.

HB 218, repealing the New Hampshire rail transit authority. (Amendment printed SJ 5-11-11)
Rep. Packard moved that the House concur and spoke in favor.
Adopted.

REGULAR CALENDAR (CONT'D)

SB 75-FN, relative to clarification of part-time service in the state retirement system. **OUGHT TO PASS.**

Rep. William B. Smith for Finance: This bill redefines the nature of part-time employment for retirement system purposes. The first section applies to state employees and was in the bill as it came from the Senate. It precludes the retirement system from allowing two or more part-time jobs held by a state employee to be considered a full-time job that would qualify the employee for retirement system benefits. The second section was added by the Special House Committee on Pensions and applies to both the state and its political subdivisions. Among other things, it defines part-time employment as working no more than 1,300 hours per year (an average of 25 hours per week). Under current law, a retiree collecting a pension from the retirement system cannot simultaneously be employed by a member of the system other than in a part-time position. Having determined that any impact on state general funds or restricted funds would not be significant, the committee recommends that the bill should be passed. Vote 24-1.
Committee report adopted and ordered to third reading.

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William B. Smith for Finance: This bill gives the state board of education permanent authority to approve chartered public schools and requires the state to pay tuition at adequacy funding level for each pupil who resides in the state and attends a chartered public school authorized by a school district other than the pupil's resident school district. The committee amended the bill to clarify wording, and also removed the section that would have required unexpended funds to be distributed annually to approved chartered public schools. Vote 25-0.

Amendment (2028h)

Amend the title of the bill by replacing it with the following:

AN ACT extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district.

Amend RSA 194-B:11, I(a) as inserted by section 2 of the bill by replacing it with the following:

I.(a) There shall be no tuition charge for any pupil attending a charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter

conversion schools located in a pupil's resident district. For a chartered public school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. *For pupils resident in this state who attend full-time a chartered public school authorized by a school district other than the pupil's resident school district, the state shall pay tuition pursuant to RSA 198:40-a directly to the chartered public school for such pupil. Nothing in this subparagraph shall alter or modify the funding of the Virtual Learning Academy Charter School.*

Amend the bill by deleting section 3 and renumbering the original sections 4-5 to read as 3-4, respectively.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Repeals the 10-year pilot program for state board of education approval of chartered public schools and gives the state board of education permanent authority to approve chartered public schools.

II. Requires that the state pay tuition for each resident pupil attending full-time a chartered public school authorized by a school district other than the pupil's resident school district.

Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Ball declared a conflict of interest and did not participate.

SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Charles E. Sova for the Majority of Finance: The fiscal notes for this bill left a great deal to be desired. The data was mostly guesses and the preparers when pressed admitted there was no way to really know what is going to happen. However, this bill provides an opportunity to collect data in the 2011 city elections, the 2012 Presidential primary and the 2012 municipal elections that would lead to more accurate fiscal calculations. The question of whether the legislation was legal or not also kept coming up. Due to the November 1, 2012 effective date for using photo ID, in order to receive a ballot or a provisional ballot should you not have an ID on the day of the election, it will provide more than ample time to answer all these fiscal and legal questions. Finally, if the data or legal questions produce unfavorable results for the bill, there will be time next year to fix the legislation or delay its implementation. Vote 18-8.

Rep. Robert A. Foose for the Minority of Finance: The minority cannot support the committee recommendation on SB 129 and asks that a vote of ITL be made. Reacting solely from the perspective of how SB 129 would impact the budget, there will be an additional cost to the secretary of state's budget. While there also was inconclusive testimony regarding the impact on cities and towns, there was a clear indication that there will be some level of additional costs downshifted from the state. The minority believes that, in a period that demands fiscal restraint, it is not logical to incur additional budgetary pressure. Regarding the transition period before the law is fully implemented, the minority has a real concern that the recent improper behavior by the clerk in New Boston may be repeated across the state with real consequences on voter access unless a serious budgetary investment is made in additional training and voter education.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Pierce offered floor amendment (2209h).

Floor Amendment (2209h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to presenting proof of identity to vote in person and relative to the election fund.

Amend the bill by replacing section 1 with the following:

1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guard-rail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and,

if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. *The ballot clerk shall request that the voter prove his or her identity by presenting a means of proof meeting the requirements of paragraph II. If the voter does not present any such proof of identity, the ballot clerk shall inform the voter that he or she may vote by provisional ballot in accordance with RSA 659:13-b and present proof of identity meeting the requirements of paragraph II, official documentation of driver's license suspension or revocation, waiver issued by the secretary of state under RSA 659:13-d, or affidavit of religious exemption to the city or town clerk by noon of the third business day after the election. If the voter presents a photo identification that is an out-of-state driver's license, the ballot clerk shall record the state of issuance on the checklist in a color designated for such entries and the supervisors of the checklist shall submit the information to the secretary of state.* The voter, if still qualified to vote in the town or ward and having presented sufficient proof verifying the voter's identity, and unless challenged as provided for in RSA [659:27-33] 659:27 through 659:33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. A person may prove his or her identity as required under paragraph I by any reasonable means, including, but not limited to, any one of the following means of proof:

(a) Photo driver's license issued by any state or the federal government.

(b) United States passport, armed services identification, or other photo identification issued by the United States government.

(c) Photo identification issued by local or state government.

(d) A photo identification not authorized by subparagraph (a), (b), or (c) but determined to be legitimate by the supervisors of the checklist or the clerk.

(e) Verification of the person's identity by another person registered as a voter and known to a supervisor or the clerk.

(f) Verification of the identity of a resident of a nursing home or similar facility by the administrator of the facility or by his or her designee.

III. A photo identification accepted under paragraph II shall satisfy each of the following:

(a) The identification shows the name of the individual to whom the identification was issued, and the name substantially conforms to the name on the checklist or in the individual's voter registration record.

(b) The identification shows a photograph of the individual to whom the identification was issued.

Amend RSA 655:13-b, I as inserted by section 2 of the bill by replacing it with the following:

I. If a voter has not presented proof of identity under RSA 659:13 and is otherwise qualified to vote, the voter may cast a provisional ballot. The ballot clerk shall indicate on the checklist that the voter has voted by provisional ballot. The provisional ballot shall be the same as the ballot used at the polling place, but shall be sealed in a plain envelope by the voter after he or she has marked the ballot. The voter shall insert the plain envelope into an envelope on which is printed the same information as the affidavit of a challenged voter to be executed by the voter and shall sufficiently identify the voter to allow verification of the ballot once the voter has confirmed his or her identity.

Amend RSA 655:13-b, III as inserted by section 2 of the bill by replacing it with the following:

III. By noon of the third business day after the election, a voter who has cast a provisional ballot may appear in person before the city or town clerk and present proof of identity meeting the requirements of RSA 659:13, II, official documentation of driver's license suspension or revocation, a waiver issued by the secretary of state under RSA 659:13-d, or an affidavit of religious exemption. Upon presentation of proof of identity, verification of driver's license suspension or revocation, or receipt of a waiver issued by the secretary of state under RSA 659:13-d or an affidavit of religious exemption, the clerk shall mark the list prepared by the moderator to that effect. The clerk shall require each person presenting proof of identity, official documentation of driver's license suspension or revocation, or a waiver issued by the secretary of state under RSA 659:13-d, or executing an affidavit of religious exemption to sign the list next to or beneath his or her name. At noon of

the third business day after the election, the clerk shall forward all provisional ballots for which verification of identity has been provided to the moderator. The clerk shall post notice of the time and place of the processing of provisional ballots in accordance with RSA 91-A.

Amend the bill by replacing sections 6-7 with the following:

6 Voter Education.

I. The department of state shall prominently display on the department's website information for voters relating to the proof of identity requirements established by this act. The department shall also provide explanatory information relating to this act to media outlets for the purpose of educating the public regarding voter identification requirements.

II. Every town and city clerk shall prominently display a notice prepared by the secretary of state explaining the proof of identity requirements for voters and directing voters to the department of state's website for additional information. Such notice shall be displayed for at least 14 days prior to each election held after the effective date of this act during 2011 and 2012.

7 Applicability. In accordance with RSA 659:13, as amended by this act, ballot clerks shall request that the voters present proof of identity at all elections after the effective date of this act. However, notwithstanding such provisions, no person shall be denied the right to vote for failure to present proof of identity or other documentation acceptable under this act prior to November 1, 2012. The ballot clerks shall tally the number of voters that do not present proof of identity at each election prior to November 1, 2012, and the town or city clerk shall report the number with the election return.

AMENDED ANALYSIS

This bill requires that a voter present proof of identity to vote in person. Voters without proof of identity may vote by provisional ballot, provided that they subsequently appear in person before the city or town clerk and present proof of identity, official documentation of driver's license suspension or revocation, a waiver issued by the secretary of state, or an affidavit of religious exemption. This bill also requires that the secretary of state pay the cost for a nondriver's picture identification card upon presentation of a voucher to the division of motor vehicles.

Rep. Pierce spoke in favor and yielded to questions.

Rep. Bates spoke against.

On a division vote, 138 members having voted in the affirmative and 228 in the negative, floor amendment (2209h) failed.

The question now being adoption of the majority committee report of Ought to Pass.

Rep. Foose spoke against.

Rep. Vaillancourt spoke in favor.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 259 NAYS 116

YEAS 259

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Pilliod, James	Russell, David	Simpson, Tyler
St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin	Tobin, William
Worsman, Colette			

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Umberger, Karen

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hunt, John
Moore, Charles	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester
Ingbretson, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ohm, Bill
Pepino, Leo
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Whitehead, Randall

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Lambert, George
McClarren, Donald
Moran, Edward
Palmer, Stephen
Peterson, Lenette
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hopper, Gary
Katsiantonis, Thomas
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Parison, James
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
McDonnell, John
Richardson, Jon
Soltani, Tony

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Cox, Sean
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Smith, Molly

Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Ferrante, Beverly
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
O'Connor, William
Vita, Carol

Brown, Julie
Larsen, Kirsten
Panek, William
Vita, Lucien

Cataldo, Sam
Munck, Philip
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Newton, Clifford
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 116**BELKNAP**

Millham, Alida

CARROLL

Ahlgren, Christopher

Tregenza, Norman

CHESHIRE

Butynski, William
Hawkes, Samuel
Lindsey, Steven
Sad, Tara

Carr, Daniel
Johnsen, Gladys
Meador, David
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary

Theberge, Robert

GRAFTON

Aguir, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Taylor, Kathleen

Benn, Bernard
Pastor, Beatriz
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Goley, Jeffrey
Levasseur, Nickolas
Palmer, Barry
Ramsey, Peter
Rosenwald, Cindy

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Long, Patrick
Pilotte, Maurice
Rhodes, Brian
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Graham, John
Murphy, Keith
Porter, Marjorie
Robbins, David
Sullivan, Daniel

Cote, David
Gimas, John
Judy, Jean
Ober, Russell III
Pratt, Calvin
Rokas, Ted
Warden, Mark

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Wallner, Mary Jane

Cohn, Seth
Gile, Mary
Owen, Derek
Richardson, Gary
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Seaworth, G. Brian
Williams, Robert

Foose, Robert
Hoell, J.R.
Potter, Frances
Shurtleff, Stephen

ROCKINGHAM

Allen, Mary
DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Brown, Paul
Gould, Kenneth
Pantelakos, Laura
Serlin, Christopher

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Powers, James

Chirichiello, Brian
Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger
Hooper, Dorothea

Browne, Brendon
Horrigan, Timothy

Ginsburg, Philip
Jones, Kyle

Grassie, Anne
Jones, Laura

Kaen, Naida
Schmidt, Peter
Wall, Janet

Keans, Sandra
Spainhower, Dale
Watters, David

Pelletier, Marsha
Spang, Judith

Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the majority committee report was adopted and ordered to third reading.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 129-FN. This bill is an affront to liberty and democracy.
Rep. Horrigan.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 191, relative to the community mental health system. (Amendment printed SJ 5-25-11)
Rep. Reagan moved that the House concur and spoke in favor.
Adopted.

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 92, establishing an economic strategic commission to review the relationship between business and government.

The President appointed Sens. Carson, Sanborn and Larsen.

Rep. Carol McGuire moved that the House accede.

Adopted.

The Speaker appointed Reps. Carol McGuire, Peter Schmidt, Proulx and Hansen.

REGULAR CALENDAR (CONT'D)

SB 151-FN, relative to contracts of the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for Finance: The bill, as it came to Finance, required the department of health and human services to develop a plan to consolidate the several thousand department contracts in order to reduce general fund spending on administrative costs by approximately \$5.5 million. These savings are included in the House budget for FY 12/13. The committee believes a more certain way to achieve the savings is to require, not merely plan for, contract consolidations. This is what the amendment does, specifying that the \$5.5 million savings must be achieved in the next biennium and authorizing the department to use any savings in excess of the specified amount to provide additional services to department clients. Quarterly reporting to the HHS oversight committee is required. Vote 26-0.

Amendment (2113h)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. It is the objective of the general court to assure that appropriations for providing health and human services are expended directly in aid and assistance to the citizens of New Hampshire and that overhead and administrative costs are kept to a minimum. One method for reaching this objective is to consolidate the number of contracts entered into by the department for providing services to persons it serves. It is the intent of the general court that this consolidation be done within the biennium ending June 30, 2013.

2 Contract Consolidation; Department of Health and Human Services.

I. For contracts executed on or after July 1, 2011, the department of health and human services shall consolidate contracts of the department including, but not limited to, contracts for the acquisition of goods and services and for providing services to clients of the department, to the fewest number reasonably possible to:

(a) Realize general fund savings in the amount of \$1,250,000 in fiscal year 2012 and \$4,300,000 in fiscal year 2013 as required in the budget approved for the department;

(b) Reduce the administrative costs associated with the processing and approval of state contracts;

(c) Minimize expenditures in areas other than direct care and assistance to the persons in need served by the department;

(d) Utilize any savings in addition to those specified in subparagraph (a) to provide additional direct services to clients of the department;

(e) Create an efficient, effective, and stable community system of health and human services agencies for the future.

II. The consolidation shall be completed by June 30, 2013.

III. For the biennium ending June 30, 2013, the commissioner shall provide reports on a quarterly basis to the oversight committee on health and human services and the fiscal committee of the general court regarding contract consolidation efforts.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to consolidate contracts of the department and provides parameters for such consolidation. The bill requires the commissioner of the department of health and human services to provide reports on a quarterly basis for the biennium ending June 30, 2013 to the oversight committee on health and human services. Amendment adopted.

Committee report adopted and ordered to third reading.

SB 154-FN, reforming and renaming the comprehensive shoreland protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Kenneth L. Weyler for the Majority of Finance: Extensive work had been done on the shoreland protection act, especially changing its emphasis to water quality protection. The Finance committee examined the fiscal aspects of the changes and found that they did not add to the costs of enforcement. However, two minor changes were made. One change was to make it effective upon passage rather than 60 days after passage so that the enabling of rules would not expire on June 30. Another was to change the word "and" to "or" to make one paragraph clearer. A major change in the amendment was to amend HB 519, repeal of RGGI language at the end of the bill. This verifies the position of the House in a related area. Vote 20-6.

Rep. Robert A. Foose for the Minority of Finance: The minority cannot support the inclusion of the language of a bill that the House has already voted on and sent to the Senate. In approving the amendment that inserted the RGGI legislation, the committee is resubmitting the same RGGI legislation in a bill that had careful and extensive work in its preparation. As a result, approval of this bill would create a political football rather than a thoughtfully crafted and necessary improvement to the Shoreland Protection Act that enjoyed bipartisan support.

Majority Amendment (2006h)

Amend the title of the bill by replacing it with the following:

AN ACT reforming and renaming the comprehensive shoreland protection act and repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Amend RSA 483-B:5-b, I(b)(1) as inserted by section 14 of the bill by replacing it with the following:

(1) For projects that qualify for permit by notification under *this paragraph or* RSA 483-B:17, X, \$100 for restoration of water quality improvement projects and \$250 for all other permit by notification projects.

Amend the bill by replacing all after section 31 with the following:

32 Powers and Duties of Commissioner; Reference Deleted. Amend RSA 125-O:6, I to read as follows:

I. Develop a trading and banking program to provide appropriate compliance flexibility in meeting the emission caps established under RSA 125-O:3, III [~~and allowance requirements of RSA 125-O:21 and RSA 125-O:22~~], and to encourage earlier and greater emissions reductions and the development of new emission control technologies in order to maximize the cost-effectiveness with which the environmental benefits of this chapter are achieved.

33 Rulemaking Authority. Amend RSA 125-O:8 to read as follows:

125-O:8 Rulemaking Authority.

[E.] The commissioner shall adopt rules under RSA 541-A, commencing no later than 180 days after the effective date of this section, relative to:

[(a)] *I.* The establishment of trading and banking programs as authorized by RSA 125-O:6, I.

[(b)] *II.* The establishment of a method for allocating allowances and other emissions reduction units or mechanisms as authorized by RSA 125-O:3, II and III.

[(c)] *III.* Emissions ~~[and allowance]~~ monitoring, ~~[tracking,]~~ recordkeeping, reporting, and other such actions as may be necessary to verify compliance with this chapter.

~~[(d)] The method and requirements for auctioning budget allowances under RSA 125-O:21, which may use regional organizations:~~

~~(e) Defining eligible projects for early reduction allowances under RSA 125-O:21, IV, and establishing criteria to quantify and grant such allowances:~~

~~(f) Defining eligible projects for offset allowances under RSA 125-O:21, V, and establishing criteria to quantify and grant such allowances, including the accreditation of third-party verifiers:~~

~~(g) The forms and information required on applications for a temporary or operating permit required under RSA 125-O:22:~~

~~H. The public utilities commission shall adopt rules, under RSA 541-A, to administer the greenhouse gas emissions reduction fund pursuant to RSA 125-O:23:]~~

34 Compliance Dates. Amend RSA 125-O:9 to read as follows:

125-O:9 Compliance Dates. The owner or operator of each affected source shall comply with the provisions of this chapter, excluding the subdivision on mercury emissions, RSA 125-O:11 through 125-O:18, ~~[and the subdivision for CO₂ emissions, RSA 125-O:19 through RSA 125-O:28;]~~ by December 31, 2006.

35 Non-Severability. Amend RSA 125-O:10 to read as follows:

125-O:10 Non-Severability. No provision of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter shall be implemented in a manner inconsistent with the integrated, multi-pollutant strategy ~~[or RSA 125-O:1 through RSA 125-O:18]~~ of this chapter, and to this end, the provisions of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter are not severable.

36 Compliance. The repeal of the regional greenhouse gas initiative program on January 1, 2012 under this act shall not affect each affected CO₂ source's obligation to satisfy the program's requirements for the compliance period ending December 31, 2011, including those contained in adopted rules. All means of enforcement shall remain in place for these requirements, including the provisions of RSA 125-O:7 and any permit issued or modified by the department of environmental services in accordance with RSA 125-O:22, IV.

37 Use of Funds. Notwithstanding the provisions of RSA 125-O:23, all moneys in the greenhouse gas emissions reduction fund as of July 1, 2011, and all subsequent moneys deposited into the fund, shall be allocated by the commission as an additional source of funding to electric distribution companies for CORE energy efficiency programs that are funded by system benefits charges.

38 Repeal. The following are repealed:

I. RSA 6:12, I(b)(272), relative to moneys deposited in the greenhouse gas emissions reduction fund.

II. RSA 125-O:3, III(d), relative to carbon dioxide cap.

III. RSA 125-O:19 through 125-O:28, relative to the regional greenhouse gas initiative.

39 Effective Date.

I. Section 27 of this act shall take effect June 30, 2011.

II. Sections 32-35 and paragraphs II and III of section 38 shall take effect January 1, 2012.

III. Paragraph I of section 38 of this act shall take effect January 1, 2013.

IV. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes extensive changes to the comprehensive shoreland protection act.

This bill repeals New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. This bill also clarifies how the moneys in the greenhouse gas emissions reduction fund may be used.

Rep. Spang spoke against.

Rep. Weyler spoke in favor.

On a division vote, 248 members having voted in the affirmative and 109 in the negative, the majority committee amendment was adopted.

Majority committee report adopted and ordered to third reading.

SB 70-FN, relative to remedies in landlord-tenant actions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. J. Brandon Giuda for the Majority of Judiciary: This pro-business bill levels the playing field for landlords in three significant ways. First, the bill reduces the time period that certain landlords are required to store abandoned property from 28 days to 7 days, thereby freeing up the landlord's property and reducing storage costs. Second, the bill reduces the exposure of landlords who violate the statute from triple damages and legal fees to actual damages and legal fees, thereby stopping frivolous claims against landlords for excessive damages. Third, the bill repeals the new 2011 requirement (RSA 540:1-b) that landlords provide service of process information to the appropriate municipality by January 31, 2011 or face a \$1,000 fine. The new 2011 requirement was enacted in an attempt to ease the burden on certain municipalities when litigating against out-of-state landlords. Repealing this bad law is logical because: (1) municipalities already have the requisite information for service of process in their tax departments (ie., owner of the property), (2) municipalities can use the same streamlined service of process procedures as every other litigant in New Hampshire, (3) the penalty on landlords is disproportionate to any purported harm done, (4) the requirement is overbroad as it applies to all landlords, not just out-of-state landlords, and (5) most landlords in New Hampshire are not aware of this requirement and therefore can now be held liable for a \$1,000 fine. Vote 10-5.

Rep. Lucy M. Weber for the Minority of Judiciary: This bill, as passed by the Senate, simply amends RSA 540-A:3 to reduce from 28 to 7 the number of days a landlord is required to store the possessions of a departed tenant. It also lowers the fines a landlord would have to pay for non-compliance with the provision. At the public hearing on SB 70, an amendment was proposed which would have made an alteration to a different chapter of the statute, Chapter 540, as opposed to Chapter 540-A. The section to be modified relates to the registration of a landlords or an agent for a landlord. The proposed amendment modified the registration requirements only for in-state landlords. At that time, it was suggested that the amendment was not germane to the substance of the original bill and that a new hearing should be held giving notice so that anyone who wanted to express an opinion on the revision of a different chapter of the statute would have notice and an opportunity to do so. No such hearing was held. At the executive session, a different and more extensive amendment was offered. The amendment attached to this bill, without any notice to the public or opportunity for public comment, repeals RSA 540:1-b in its entirety. RSA 540:1-b, passed last year, requires owners of restricted property to file a statement with the town or city clerk giving the name, address and phone number of a person within the state authorized to accept legal process on any legal proceeding related to the property. A civil penalty of \$1,000 is assessed for failure to file. The provision was enacted at the request of cities and towns to address the difficulty of enforcing compliance with building codes, particularly against out of state landlords. Its repeal will result either in higher costs of enforcement to cities and towns or in less acceptable living conditions for our poorest tenants.

Majority Amendment (1405h)

Amend the bill by replacing all after section 2 with the following:

3 Repeal. RSA 540:1-b, relative to landlord agents, is repealed.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2012.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Shortens the time period during which a landlord is required to store a tenant's abandoned property.

II. Reduces the amount of damages available for violations of the storage requirement.

III. Repeals the requirement that certain residential landlords provide the town clerk with the name and address of an agent authorized to accept service on their behalf.

Rep. Weber spoke against.

Rep. Giuda spoke in favor.

On a division vote, 266 members having voted in the affirmative and 86 in the negative, the majority committee amendment was adopted.

Reps. Brian Murphy and Greazzo declared a conflict of interest and did not participate.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Weber spoke against.
Rep. Warden spoke in favor.
Majority committee report adopted and ordered to third reading.
Reps. Brian Murphy and Greazzo declared a conflict of interest and did not participate.

SB 2, relative to adoption of spending caps by municipalities. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Franklin W. Sterling for the Majority of Municipal and County Government: The purpose and intent of SB 2 is to provide a process by which any municipality may adopt a tax/spending cap. The bill amends RSA 49-C and RSA 49-D so that cities or towns that are governed by a town or city council can amend their charters to include spending caps. The legislation provides a clear process by which a charter can be amended and it provides the language necessary to comply with a recent supreme court ruling. Further, SB 2 includes amendments to RSA 32 that contain process and rules governing the adoption of a tax cap by municipalities that have a traditional town meeting form of government and those towns which have adopted the official ballot form of government. Also included in the legislation is a provision to ratify and declare valid other spending caps adopted prior to the enactment of this bill. Vote 12-4.

Rep. Kris E. Roberts for the Minority of Municipal and County Government: The minority believes that the real goal of many of the supporters of this bill is not to have cities, towns or school districts adopt a tax cap to limit increases to the amount to be raised by taxes in the annual budget as an effective means of limiting growth in the local property rates; the goal is to give the minority the ability to have more power and authority to reduce education funding, shrink the size of local government and combat the perceived power of the public sector unions. The committee was told that the deliberative session was a failed system; that in one recent local school budget session approximately 150 people voted in favor of the budget and about 50 voted against the budget. The committee was told that this happens all the time and that people of that community needed the ability to correct the faults in the current system. The minority asked where is the fault if 75% of the voters approve a budget increase? If there are faults in the current system this body should not be passing legislation that would give greater power to the minority at the expense of the majority. In Keene, with about 12,000 voters, rarely do more than 125 appear for the school budget session where they have the ability to make changes to the proposed budget, about 10-12% show up to vote and sometimes Keene is hard pressed to find three people willing to sign up for three school board positions. The minority believes that this body should be following the advice of Thomas Jefferson, a man who posed great confidence in the wisdom and discretion of the American people, who stated that a successful republic requires a well educated, well informed and a proactive citizenship, but once the vote was taken it was the responsibility of the minority to support the decisions of the majority. If the current system has failings it is due to the lack of public interest and the unwillingness of our citizens to take an active role in government. This bill will not solve that problem. All it will do is create an opportunity to replace one minority group with another minority group. History has repeatedly shown that minority interest, minority issue government has always resulted in real harm to our communities. This bill in many ways is a one size fits all approach to rising local property taxes and will not limit the growth of such taxes. A review of the past 10 plus years shows the largest factor in the rapid growth of local property taxes has not been an increase in local service and public payrolls, because the majority of New Hampshire communities have reduced both services and employees - governments at all level are shrinking - the greatest cause has been the downshifting of costs by the state to local communities and county governments. Many members of this body also serve as selectmen and city councilors. In many ways passage of this bill will not benefit the taxpayers, but will provide political cover at the local community level. Passage of this bill, combined with our no income tax, no sales tax and no death tax policies, will ensure that NH remains one of the best states in which to retire as we support the special interests of people who have no children or grandchildren in our school systems. But it has the potential to ensure that New Hampshire remains as one of the fastest graying states and one of the states with the greatest out-migration of 18-30 year olds as we reduce funding for public education, public safety and other important quality of life programs.

Majority Amendment (1978h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to adoption of tax caps by cities, towns, and other political subdivisions.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings; Intent. The general court finds that:

I. There is a need to enact enabling legislation to allow the citizens of New Hampshire to adopt a tax cap either in their charters or at their town meetings.

II. A simple process for towns and other political subdivisions to enact a tax cap is to limit the amount of money to be raised by taxes by the governing body at the local level.

III. The general court hereby proposes that in towns and districts adopting a tax cap the estimated amount of taxes to be raised for the fiscal year shall not exceed the taxes raised for the prior year by a percentage or fixed amount as determined by the legislative body.

2 New Paragraph; City Charters; Vote. Amend RSA 49-C:12 by inserting after paragraph II the following new paragraph:

III. Notwithstanding any contrary provision in paragraph I, the adoption of an override threshold provision to a tax cap included in a charter pursuant to RSA 49-C:33, I(d) shall provide for a supermajority vote of the elected body to adopt the annual budget.

3 New Subparagraph; City Charters; Optional Provisions; Tax Cap Added. Amend RSA 49-C:33, I by inserting after subparagraph (c) the following new subparagraph:

(d) A limit on the annual spending increases that increase the amount raised by taxes under the city budget adopted pursuant to RSA 49-C:23. Such a tax cap shall provide for an override threshold on a vote to exceed the limit on annual increases which shall be by a supermajority as determined in the charter. A tax cap provision in the city charter may provide for specific exclusions for dedicated, enterprise, or self-supporting funds or accounts, capital reserve funds, grants, or revenue from sources other than local taxes.

4 Town Charters; Optional Matters; Tax Cap. Amend RSA 49-D: 3, I(e) to read as follows:

(e) Other matters of local concern may be included in a charter including, but not limited to, conflict of interest provisions which shall be at least as strict as those established in the general laws, citizen powers of initiative, referendum and recall as described in RSA 49-C, ~~and~~ *the adoption and periodic review of an administrative code, a merit personnel system, a purchasing system, and a town investment policy, and the adoption of a tax cap limiting the annual increases in amounts raised by taxes under the town budget. Such tax cap shall include an override threshold on a vote to exceed the limit on annual increases which shall be by a supermajority as determined in the charter. Such tax cap may specifically exclude certain dedicated, enterprise, or self-supporting funds or accounts, capital reserve funds, grants, or revenue from sources other than local taxes.*

5 Municipal Budget Law; Application. Amend RSA 32:2 to read as follows:

32:2 Application. RSA 32:1-13, shall apply to all towns, school districts, cooperative school districts, village districts, and any other municipal entities, including those created pursuant to RSA 53-A or 53-B, which adopt their budgets at an annual meeting of their voters, *except RSA 32:5-b, which shall apply only in those towns or districts adopting that section pursuant to RSA 32:5-c.* RSA 32:14-23, concerning budget committees, shall apply only in those towns or districts adopting that section pursuant to RSA 32:14, I, and shall apply automatically in school districts or village districts located wholly within towns adopting that section.

6 New Sections; Local Tax Cap; Adoption of Local Tax Cap. Amend RSA 32 by inserting after section 5-a the following new sections:

32:5-b Local Tax Cap. Upon adoption under RSA 32:5-c, the following shall apply:

I. In a town or district that has adopted this section, the estimated amount of local taxes to be raised for the fiscal year, as shown on the budget certified by the governing body or the budget committee and posted with the warrant for the annual meeting pursuant to RSA 32:5, shall not exceed the local taxes raised for the prior year, as shown on the same budget, by more than the tax cap authorized when this section was adopted.

II. The tax cap shall be either a fixed dollar amount or a fixed percentage applied to the amount of local taxes raised by the town or district for the prior fiscal year as reported to the department of revenue administration.

III. The legislative body may override the cap by the usual procedures applicable to annual meetings and deliberative sessions of the legislative body. The provisions of this section shall not limit the legislative body's authority to increase or decrease the amount of any appropriation or the total amount of all appropriations.

32:5-c Adoption of Local Tax Cap.

I. The provisions of RSA 32:5-b may be adopted by any local political subdivision of the state whose legislative body raises and appropriates funds through an annual meeting. A 3/5 majority of those voting on the question shall be required to adopt the provisions of RSA 32:5-b. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

II. The question shall be placed on the warrant of the annual meeting by the governing body or by petition under the procedures set out in RSA 39:3 or RSA 197:6.

III. A public hearing shall be held by the local governing body on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

IV. The wording of the question shall be: "Shall we adopt the provisions of RSA 32:5-b, and implement a tax cap whereby the governing body (or budget committee) shall not submit a recommended budget that increases the amount to be raised by local taxes, based on the prior fiscal year's actual amount of local taxes raised, by more than _____ (insert either a fixed dollar amount or a fixed percentage)?"

V. Voting on the question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers, except in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D. Polls shall remain open and ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion on the question. If a 3/5 majority of those voting on the question vote "yes," RSA 32:5-b shall apply within the local political subdivision beginning with the following fiscal year and for all subsequent years until it is rescinded as provided in paragraph VI.

VI. Any local political subdivision which has adopted RSA 32:5-b may consider rescinding its action in the manner described in paragraphs I through V. The wording of the question shall be: "Shall we rescind the provisions of RSA 32:5-b, known as the tax cap, as adopted by the (local subdivision) on (date of adoption), so that there will no longer be a limit on increases to the recommended budget in the amount to be raised by local taxes?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this section, except in the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

7 Home Rule Municipal Charters; Preservation. Amend RSA 49-B:13 to read as follows:

49-B:13 Separability; Preservation.

I. The provisions of this chapter and of charters created under this chapter are separable. If any portion of this chapter, or of any charter adopted under the provisions of this chapter, or if the application of the chapter or such charter to any person or circumstance shall be invalid, the remainder of the chapter or such charter or the application of such invalid portions to other persons or circumstances shall not be affected by such invalidation.

II. All town and city charters which have been adopted, revised, or amended; all charter commissions which have been properly established and elected; all elections properly held; and actions properly taken pursuant to such charters are hereby legalized, provided that such charters at the time of their adoption were not contrary to the general laws and constitution of the state.

II-a. All town or city charters which have been adopted, revised, or amended to include a tax or spending cap of any kind and all charter commissions which have been properly established and elected; all elections properly held; and all actions properly taken related to the tax or spending cap in such charters are hereby endorsed, ratified, validated, and legalized and are fully enforceable, without regard to whether such entities or actions were authorized by law at the time they were established or taken.

III. RSA 32 shall not apply to a municipality adopting, revising, or amending a charter under RSA 49-C or RSA 49-D unless that municipality adopts a budgetary town meeting, official ballot town meeting, an official ballot town council, or representative town meeting pursuant to RSA 49-D:3, I-a, II, II-a and III. ***Except that a municipality may adopt a tax cap as provided in RSA 49-C:33, I(d) or RSA 49-D:3, I(e), notwithstanding the provisions of RSA 32:5-b and RSA 32:5-c.***

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows cities and towns under a charter, and towns, school districts, and other political subdivisions under the municipal budget act to adopt a tax cap to limit increases to the amount to be raised by taxes in the annual budget.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Kris Roberts spoke against and yielded to questions.

Rep. Sterling spoke in favor.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 276 NAYS 95**YEAS 276****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Bymes, John
Hawkes, Samuel
Moore, Robert Jr

Cartwright, Anne
Hunt, John
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Sterling, Franklin Jr

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbreton, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony

Pepino, Leo
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Smith, Molly
Winter, Steven

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Chirichello, Brian
DeSimone, Debra
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Allen, Mary
Bates, David
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oligny, Jeffrey
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

Antosz, Jason
Belanger, Ronald
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Waddell, James
Welch, David

Azarian, Gary
Bettencourt, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Peckham, Michele
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Munck, Philip
Parsons, Robbie
Watters, David

Brown, Julie
Jones, Kyle
Newton, Clifford
Pitre, Joseph
Weeden, Michael

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 95 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Carr, Daniel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meador, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary	Remick, William	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Barody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Daler, Jennifer	Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey
Gorman, Mary	Jeudy, Jean	Katsiantonis, Thomas	Levasseur, Nickolas
Long, Patrick	Pilotte, Maurice	Porter, Marjorie	Proulx, Mark
Ramsey, Peter	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara	Sullivan, Daniel		

MERRIMACK

Bouchard, Candace	Foose, Robert	Frazer, June	Gile, Mary
Hamm, Christine	Kidder, David	MacKay, James	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence	Powers, James
Read, Robin Jr	Schlachman, Donna	Serlin, Christopher	

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Wall, Janet	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report was adopted and ordered to third reading.

CACR 14, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education. **WITHOUT RECOMMENDATION.**

LAI D ON THE TABLE

Rep. Lynne Ober moved that **CACR 14**, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education, be laid on the table.

On a division vote, 346 members having voted in the affirmative and 27 in the negative, the motion was adopted by the necessary three-fifths vote.

REGULAR CALENDAR (CONT'D)

SB 183-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. William S. Belvin for the Majority of the Special Committee on Education Funding Reform: The amendment to SB 183 combines the best elements of both HB 337, as passed by the House and SB 183, as passed by the Senate. It comprehensively addresses and modifies the current statutory

provisions for the state's funding of education in five critical ways. First, it provides predictability and continuity to that funding because under the amendment, no town, city or school district will receive either a greater or lesser education grant from the state in the coming biennium than it is receiving in the current fiscal year. Going out into the future, no town, city or school district will receive a lesser education grant than it is currently receiving, but it can receive a greater grant if it qualifies based upon changes in school population and the number of students who qualify for targeted aid. This provides the assurance of continuing state aid to our school boards, administrators and local property tax payers, who both need and deserve that assurance. However, no town, city or school district will receive a grant in any year more than 105.5% greater than the grant it received in the previous fiscal year. Second, for the coming biennium only, this bill calculates the base cost per pupil by using empirical, realistic standards and criteria currently in law. The standards and criteria used to set the base cost in the next biennium are derived from the state department of education minimum standards for school approval already promulgated in its rules and from the federal definition of a "highly qualified" teacher. After the coming biennium, these costs will be adjusted automatically by a CPI component which can not be manipulated or "gamed," but which will objectively reflect increasing costs over time. Third, as a result of the revised formula for calculating the base cost per pupil, this bill significantly increases targeted aid to provide additional resources for those pupils and communities which would most benefit from such state aid. Under this bill, targeted aid increases from less than 25% of total aid to over 40% of total aid. It continues targeted aid to special education students and students from disadvantaged backgrounds who qualify for the federal free and reduced lunch program, but at higher amounts than this year based upon a CPI increase. And it provides targeted aid at a fixed dollar amount only to those students who qualify for the federal free and reduced lunch program and not for the entire student population in schools which contain more than a certain percentage of such eligible students. It also continues targeted aid for English-language learner students while providing new incentive aid for students who demonstrate reading proficiency at the third grade level. Fourth, this bill substantially increases fiscal capacity disparity aid to our most disadvantaged districts, a formula which has been shown to best target aid to these communities. Fifth and finally, this bill eliminates donor towns. In conclusion, this bill accomplishes all these objectives without increasing the aggregate state aid for education and puts the state on a path for reasonable, sustainable future aid to our students and communities. Vote 11-4.

Rep. Robert A. Foose for the Minority of the Special Committee on Education Funding Reform: The minority of the committee cannot agree with the decision of OPA. In 2007-08, the legislature created a carefully researched and transparent structure that for the first time met the state's responsibility to fund an adequate public education. Since the passage of adequacy, the structure survived one court challenge from Londonderry and New Hampshire has enjoyed an unprecedented period of judicial peace. However, in 2008, the legislature asked 119 communities to forego what they were entitled to until July, 2011 to moderate the impact on other communities that had been receiving an unequal proportion of the total funds due under adequacy. In response to the challenge of building the next biennial budget, both the House and the Senate have crafted new proposals for calculating educational funding that cut some \$80 million from what is due under current laws. To make the reductions more palatable, both the House and the Senate calculations maintained precisely the same payment to every city and town that was received in 2010. In effect, the transition period is being extended for two more years and the 84 communities that were due additional funding may never see the funds. Further, the formula that is embedded in the proposed legislation introduces the concept of bare minimum standards in place of adequate standards for the calculation of payments to cities and towns. While the formula that will be used for the next two years is constructed to preserve the current payments to all, it reduces the base calculation and sets the table for an effort by future legislatures to reduce state support for our public education system.

Majority Amendment (1982h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the calculation and distribution of adequate education grants.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. The general court is committed to providing the opportunity for an adequate education for all public school students, as established in this act, based upon the 2007 Laws of New Hampshire, chapter 270. Methodologies for costing, determination of resources, and elements of cost are included in this act.

II. The individual components of the cost were selected on the basis of their effectiveness in delivering educational opportunity and after extensive review, debate, and discussion, including review of the report of the joint legislative oversight committee on costing an adequate education. The legislative process consisted of obtaining information from professional educators, government officials, education policy and finance experts, and the public on the establishment of the cost of an adequate education.

III. The cost of delivering this educational opportunity consists of several elements. The base cost represents the per pupil resources necessary to provide an adequate education where no additional aid is necessary to cover the increased costs of providing that opportunity to students who have special education needs, who have limited English language proficiency, or who are economically disadvantaged. The base cost represents the costs attributable only to the subset of education that is included in the definition in RSA 193-E:2-a.

IV. In calculating the base cost, the general court adhered to and adopted the standards for the professional positions referred to in the costing formula as specified or necessarily implied in the minimum standards for public school approval adopted by the state department of education and in effect on July 1, 2010. These standards incorporate and include the definition of a "highly qualified" teachers under federal law. The professional-to-student ratios used in the costing formula were also derived from the state minimum standards for public school approval. All costing elements were derived from actual, empirical data.

V. The general court further finds that additional aid, referred to as differentiated aid, is also required to provide this educational opportunity for certain students. This act allocates such differentiated aid to special education students, English language learners, and economically disadvantaged students, the latter category based upon eligibility for federally-provided free and reduced-price lunch programs and the concentration of such eligible students in a school.

VI. In determining the need for differentiated aid in addition to providing the base cost for an adequate education, the general court recognizes that the resources needed to provide this educational opportunity are not the same for all students.

VII. The general court recognizes that special education students face unique challenges that require educational support and instructional resources in addition to those provided by the base cost. After reviewing the findings of the joint legislative oversight committee and conducting its own inquiry into forms of special education funding and the laws relevant to such funding mechanisms, the general court finds that each special education student should receive additional funding above the base cost. This per pupil amount is not dependent upon a student's level of disability or learning environment because the general court wishes to encourage the placement of special education students in the least restrictive learning environment possible.

VIII. After reviewing the findings of the legislative oversight committee, including its survey of services provided to English language learners throughout the country and in New Hampshire, the general court finds that additional funding is required to provide English language learners with the opportunity for an adequate education. Accordingly, the general court finds that an amount should be distributed to each pupil receiving English language instruction in a district. This supplemental amount is based upon providing one teacher per 70 students receiving English language instruction and is inline with funding provided throughout the United States to English language learners.

IX. The joint legislative oversight committee recognized that economically disadvantaged students require supplemental funding in addition to the base cost amount. During its deliberations, the committee heard testimony and thoroughly reviewed studies, research, and data about the challenges that school districts face when educating economically disadvantaged students as well as the costs and considerations involved in implementing programs designed to overcome those obstacles. The general court finds it necessary to provide additional aid to economically disadvantaged pupils in schools with significant concentrations of economically disadvantaged pupils to provide them with the opportunity for an adequate education. Based upon credible evidence received by, and the discussion of the joint legislative oversight committee on costing an adequate education in January 25, 2008, the general court concludes that such additional aid should be provided to disadvantaged students only when the concentration of such students in a school exceeds 12 percent. This level is less than one-half of the threshold concentration of 25 percent of such pupils in a school recommended by Management Analysis & Planning, Inc. in its October 5, 2000 report, p. 40.

X. The general court recognizes that certain communities lack the relative wealth and fiscal capacity to fund local education to the extent desired by those communities. For this reason, the general court finds it appropriate to provide money above the cost of delivering adequate educational opportunity based upon the fiscal capacity and relative need of certain communities.

XI. This act is not intended to stand in isolation from the other statutes and rules relating to educating New Hampshire students as required by state and federal law.

XII. This act maintains state funding for the delivery of educational opportunity at the same level as provided in fiscal years 2010 and 2011, and at a slightly higher overall average per pupil level than in those years.

2 Adequate Education; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions. In this subdivision:

I. "Average daily membership in attendance" or "ADMA" means the aggregate half-day membership of pupils in kindergarten through grade 12 attending schools operated by a school district divided by the number of half-days of instruction offered. The average daily membership in attendance shall include any pupil who is a resident of New Hampshire educated at public expense, including any pupil whose school district provides his or her education through a private or out-of-district placement.

II. "Average daily membership in residence" or "ADMR" means the average daily membership in residence of pupils in kindergarten through grade 12, as defined in RSA 189:1-d, IV of the second school year preceding the year in which the calculation is made, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar year.

III. "Commissioner" means the commissioner of the department of education.

IV. "Department" means the department of education.

V. "Determination year" means the fiscal year that was 3 years prior to the fiscal year for which aid is to be determined. Unless otherwise indicated, determination year data shall be used to calculate aid.

VI. "Educationally disabled child" or "educationally disabled pupil" shall mean "child with a disability" as defined in RSA 186-C:2, I.

VII. "English language learner" means a child who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who is receiving regularly scheduled English language instruction.

VIII. "Pupils eligible for a free or reduced-price meal" means pupils in kindergarten through grade 12 who are eligible for the federal free or reduced-price meal program.

IX. "School district" means school district as defined in RSA 194:1 and shall include cooperative school districts as defined in RSA 195:1, I.

3 Adequate Education; Base Cost Per Pupil. RSA 198:40-a is repealed and reenacted to read as follows:

198:40-a Adequate Education; Base Cost Per Pupil.

I. For the biennium beginning July 1, 2011 only, the commissioner shall determine the base cost per pupil of the opportunity for an adequate education in each school district using the most recent statewide salary data available, divided into quartiles, as follows:

(a)(1) The average of the 3rd and 4th quartiles of salary for a teacher possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(2) For a teacher teaching art, music, world languages, media/technology, health, or physical education, multiply the amount determined under subparagraph (a)(1) by .20.

(b) The average of the 3rd and 4th quartiles of salary for a principal possessing at least a master's degree and 3 years of educator experience, multiplied by 1.33, then multiply the product by 1.05.

(c) The average of the 3rd and 4th quartiles of salary for a guidance counselor possessing at least a master's degree, multiplied by 1.33, then multiply the product by 1.05.

(d) The average of the 3rd and 4th quartiles of salary for a library/media specialist possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(e) The average of the 3rd and 4th quartiles of salary for a technology coordinator possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(f) The average of the 3rd and 4th quartiles of salary for a reading specialist possessing at least a master's degree at step 2 of the teacher salary schedule for that position, multiplied by 1.33, then multiply the product by 1.05.

(g) The average of the 3rd and 4th quartiles of salary for an administrative assistant, multiplied by 1.33, then multiply the product by 1.05.

(h) The average of the 3rd and 4th quartiles of salary for a custodian, multiplied by 1.33, then multiply the product by 1.05.

II. For the biennium beginning July 1, 2011 only, the commissioner shall calculate the base cost per pupil of the opportunity for an adequate education in each school district as the sum of the following:

(a)(1) For teachers of pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(2) For teachers of pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(3) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the amount determined in subparagraph I(a)(2).

(4) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the amount determined in subparagraph I(a)(2).

(b) For principals, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for principals determined in subparagraph I(b).

(c)(1) For guidance counselors for pupils in kindergarten through grade 8, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(2) For guidance counselors for pupils in grades 9 through 12, divide the ADMR of pupils in the municipality in grades 9 through 12 by 300, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(d) For library/media specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for library/media specialists determined in subparagraph I(d).

(e) For technology coordinators, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 1,200, then multiply the result by the salary for technology coordinators determined in subparagraph I(e).

(f) For reading specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for reading specialists determined in subparagraph I(f).

(g) For administrative assistants, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for administrative assistants determined in subparagraph I(g).

(h) For custodians, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for custodians determined in subparagraph I(h).

(i) For instructional materials, multiply the ADMR of pupils in the municipality in kindergarten through grade 12 by \$130.

(j)(1) For technology costs for pupils in kindergarten through grade 8, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by \$25.

(2) For technology costs for pupils in grades 9 through 12, multiply the ADMR of pupils in the municipality in grades 9 through 12 by \$65.

(k) For transportation costs, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by \$304.

III. In addition to the base cost calculated under paragraphs I and II:

(a) An additional \$1,770 for each pupil who is in kindergarten through grade 12, who is eligible for the federal free and reduced-price meal program, and who attends a public school in which at least 12 percent of pupils reported in the school's ADMR in the determination year are eligible for the federal free and reduced-price meal program.

(b) An additional \$600 for each pupil reported in the public school's ADMR in the determination year who is an English language learner and who is receiving English language instruction.

(c) An additional \$1,904 for each pupil reported in the public school's ADMR in the determination year who is receiving special education.

(d) To encourage early literacy and provide accountability to local school districts, for each third grade pupil in the public school's ADMA in the determination year who is not eligible to receive special education, English language learners, or federal free or reduced-price meal program funds in the determination year, a school district shall:

(1) Receive an additional \$100 for each such pupil who has tested at the proficient level or above in the reading component of the state assessment; and

(2) Incur a reduction of \$100 for each such pupil who has not tested at the proficient level or above in the reading component of the state assessment; provided that

(3) The net amount of any additions or reductions under this subparagraph shall not be less than zero.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be the cost of the opportunity for an adequate education in each year of the biennium ending June 30, 2013.

(b) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the total amount of funds that have been allocated for each school within its jurisdiction during the fiscal year based on the sum of the school district's adequate education grant amount plus the amount available to the school district from the education tax. In addition, the department shall furnish to each municipality a report showing the municipality's cost of an adequate education sorted by a pupil's municipality of residence.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

4 Adequate Education; Provisions for Grants to Municipalities. RSA 198:40-b is repealed and reenacted to read as follows:

198:40-b Provisions for Grants to Municipalities.

I. For the biennium ending June 30, 2013, no municipality shall receive a total education grant in a fiscal year which is greater than the total education grant received in the fiscal year ending June 30, 2011.

II. Each fiscal year, the commissioner of the department of education shall determine if a municipality is scheduled to receive a total education grant which is less than the total education grant received in the fiscal year ending June 30, 2011, and shall disburse to such municipality an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

III. Beginning July 1, 2013, and each fiscal year thereafter, the department of education shall not distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds 105.5 percent of the total education grant distributed to such municipality in the previous fiscal year.

5 Adequate Education; Provisions for Grants to Municipalities; Version Effective July 1, 2013. RSA 198:40-b is repealed and reenacted to read as follows:

198:40-b Provisions for Grants to Municipalities. Each fiscal year, the commissioner of the department of education shall determine if a municipality is scheduled to receive a total education grant which is less than the total education grant received in the fiscal year ending June 30, 2011, and shall disburse to such municipality an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

6 Adequate Education; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to read as follows:

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each fiscal year the department shall provide fiscal capacity disparity aid to a municipality's school districts as follows:

(a) The department of revenue administration shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles based on equalized valuation per pupil. The quartile containing municipalities with the lowest equalized valuation per pupil shall then be divided in half.

(b) A municipality with an equalized valuation per pupil in the lower half of the lowest quartile and which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$3,360 multiplied by the municipality's average daily membership in residence.

(c) A municipality with an equalized valuation per pupil in the upper half of the lowest quartile which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$2,100 multiplied by the municipality's average daily membership in residence.

II. Aid under this section shall be distributed pursuant to RSA 198:42.

III. In this section:

(a) "Equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's average daily membership in residence, as defined in RSA 189:1-d for the determination year, provided that no kindergarten pupil shall count as more than ½ day attendance per calendar day.

(b) "Median family income" means the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce, as of October 1 preceding the beginning of the biennium for which aid is to be determined.

7 Adequate Education; Consumer Price Index Adjustment. Amend RSA 198:40-d to read as follows:

198:40-d Consumer Price Index Adjustment. Beginning July 1, [2011] **2013** and every biennium thereafter, the department of education shall adjust the sum of the amounts determined under RSA 198:40-a based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

8 Adequate Education; Determination of Grants; Excess Tax. Amend the section heading in RSA 198:41 and RSA 198:41, I-II to read as follows:

198:41 Determination of *Education* Grants [~~and Excess Tax~~].

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the *total* education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education [~~property~~] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year, and from such amount; and

(c) Add the fiscal capacity disparity aid pursuant to RSA 198:40-c.

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the [~~adequate~~] *total* education grant for each municipality as the lesser of the 2 following calculations:

(a) The amount calculated in accordance with paragraph I of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the education [~~property~~] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

9 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:46 to read as follows:

[~~Excess Education Property Tax Payment~~]

Local Control and Alternative Kindergarten Programs

10 Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, [RSA 198:46;] and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

11 Commissioner's Warrant. Amend RSA 76:8, II to read as follows:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts ~~[and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund]~~. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

12 Joint Legislative Oversight Committee on Accountability for an Adequate Education.

I.(a) There is hereby established the joint legislative oversight committee on accountability for an adequate education. The members of the committee shall be as follows:

(1) Three members of the house of representatives, which shall include 2 members of the house education committee and one member of the house finance committee, appointed by the speaker of the house of representatives.

(2) Three members of the senate, which shall include 2 members of the senate education committee and one member of the senate finance committee, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

II. The committee shall review and study the assessment and assistance methods, reporting requirements, and other methods of accountability presently being used by the department of education and local school districts to determine whether such methods, programs, and standards will ensure the delivery of an adequate education as set forth in RSA 193-E:2-a.

III. Following a public hearing, the committee shall report its findings and recommendations concerning the sufficiency of existing statutory law to provide accountability for the delivery of the opportunity for an adequate education as defined in RSA 193-E:2-a, and the possible need for additional legislation, to the governor, the speaker of the house of representatives, the president of the senate, and the state librarian no later than November 15, 2011.

13 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b) to read as follows:

(b) For any chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay ~~[tuition]~~ ***the greater of \$5,450 or the sum of \$2,000 plus the amount calculated*** pursuant to RSA 198:40-a ~~[and RSA 198:40-c]~~ directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school.

14 References Amended. Amend the following RSA sections by replacing "statewide education property tax" or "education property tax" or "education property taxes" with "education tax" or "education taxes," as the context dictates: RSA 76:8, I; the introductory paragraph in RSA 198:57, IV, and RSA 198:57, VI(a).

15 Repeal. The following are repealed:

I. RSA 198:46, relative to excess education tax payments.

II. RSA 198:47, relative to forms used for the reporting and remitting of excess education tax payments.

III. RSA 198:39, I(g), relative to excess education tax payments deposited into the education trust fund.

16 Severability. If any provision in sections 1-11 of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of such sections which can be given effect without the invalid provision or application, and to this end the provisions of such sections are declared to be severable.

17 Effective Date.

I. Section 5 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect July 1, 2011 at 12:01 a.m.

AMENDED ANALYSIS

This bill:

I. Determines the per pupil cost of the opportunity for an adequate education which includes aid distributed to schools based on the number of pupils eligible to receive special education, or eligible for a free or reduced-price lunch, or who are English language learners.

II. Provides fiscal capacity disparity aid, in addition to aid for the cost of the opportunity for an adequate education, based on a municipality's equalized valuation, including utilities, per pupil and median family income.

III. Provides that for the biennium ending June 30, 2013, no municipality shall receive an adequate education grant in a fiscal year which is greater than the adequate education grant received in the 2011 fiscal year.

IV. Requires a municipality which is scheduled to receive an adequate education grant in a fiscal year which is less than the grant such municipality received in the 2011 fiscal year to receive an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

V. Provides that beginning July 1, 2013, a municipality's total education grant shall not exceed 105.5 percent of the total education grant received in the preceding fiscal year.

VI. Provides additional funds for each third grade pupil who has tested at the proficient level or above in the reading component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds and authorizes a reduction of funds for each such pupil who does not test at the proficient level or above in the reading component of the state assessment.

VII. Repeals the statutory provisions requiring that excess education tax payments be remitted to the department of revenue administration thereby permitting municipalities to retain any excess education tax revenues.

VIII. Establishes a joint legislative oversight committee on accountability for an adequate education.

IX. Provides that the state shall pay the greater of \$5,450 or the sum of \$2,000 plus the amount calculated under RSA 198:40-a to chartered public school pupils.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Reps. Grassie, Foose, Gile and Gary Richardson spoke against.

Rep. Lynne Ober yielded to questions.

Rep. Hess spoke in favor.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 260 NAYS 110

YEAS 260

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbreton, Paul
Shackett, Jeffrey
Sova, Charles

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Smith, Suzanne

Gionet, Edmond
Reilly, Harold Sr
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Gandia, Laura	Gargas, Carolyn	Gonzalez, Carlos	Graham, John
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hinch, Richard	Hogan, Edith	Hogan, Timothy	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Messier, Irene	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Proulx, Mark	Renzullo, Andrew	Robbins, David
Scoutsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy
Soucy, Connie	Stepanek, Stephen	Summers, James	Swank, Matthew
Terrio, Ross	Thomas, Joseph	Twombly, Timothy	Ulery, Jordan
Villeneuve, Moe	Warden, Mark	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
Giuda, J. Brandon	Hess, David	Hill, Gregory	Hoell, J.R.
Keane, Thomas	Kidder, David	Kotowski, Frank	Lauer-Rago, Kathleen
Lindsley, Mark	Lockwood, Priscilla	McDonnell, John	McGuire, Carol
McGuire, Dan	Palfrey, David	Richardson, Jon	Sanborn, Laurie
Seaworth, G. Brian	Smith, Molly	Smith, Todd	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Brown, Paul	Charron, Gene	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	DeSimone, Debra	Devine, James	Dowling, Patricia
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Gould, Kenneth	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Major, Norman	Manuse, Andrew	Mauro, Donna	McMahon, Charles
Murphy, Brian	Nevins, Chris	O'Connor, John	Okerman, Richard
Oligny, Jeffrey	Packard, Sherman	Peckham, Michele	Quandt, Marshall
Quandt, Matt	Reagan, John	Reichard, Kevin	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank	Schroader, Adam
Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Sullivan, James	Sullivan, Kevin	Sytek, John	Tasker, Kyle
Tremblay, Stella	Tucker, Pamela	Waddell, James	Ward, Joanne
Waterhouse, Kevin	Webb, James	Welch, David	Weyler, Kenneth

STRAFFORD

Andolina, Donald	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Kyle	Jones, Laura	Larsen, Kirsten	Munck, Philip
Newton, Clifford	O'Connor, William	Panek, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	Weeden, Michael

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly	Smith, Steven

NAYS 110**BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Merrick, Evalyn

Richardson, Herbert

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Taylor, Kathleen

Almy, Susan
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Pastor, Beatriz
White, Andrew

Cooney, Mary
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gimas, John
Infantine, William
Long, Patrick
Rhodes, Brian
Souza, Kathleen

Bergevin, Jerry
Daler, Jennifer
Goley, Jeffrey
Judy, Jean
Pilotte, Maurice
Rokas, Ted
Sullivan, Daniel

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy
Vaillancourt, Steve

Campbell, David
Gidge, Kenneth
Hawkins, Kenneth
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

Bates, David
Lovejoy, Patricia
Norelli, Terie
Powers, James

Cali-Pitts, Jacqueline
Lundgren, David
Pantelakos, Laura
Read, Robin Jr

Case, Frank
McKinney, Betsy
Perkins, Amy
Schlachman, Donna

DiPentima, Rich
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Brown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Laware, Thomas

Lefebvre, Benjamin

and the majority committee report was adopted and ordered to third reading.

SB 72-FN, establishing a comprehensive cancer plan fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Keith Murphy for the Majority of Ways and Means: This bill would establish a dedicated fund for the purpose of receiving grants to be used to fight cancer. The majority of the committee

acknowledges that cancer is a horrible disease and we truly hope and pray for effective treatments to be developed. However, there are dozens if not hundreds of private charities dedicated to the treatment of cancer. The state should not supplant the efforts of private groups and citizens and foundations have a wide choice of cancer-related charities to support without this fund. Indeed, the sentiment of the committee is that there are already too many dedicated funds, however well-intended, and that adding this one to the list is unnecessary in a state which professes to support the concept of limited government. Vote 15-5.

Rep. Susan W. Almy for the Minority of Ways and Means: The minority believes that the state has a major public interest in combating cancer. It also has a huge monetary stake in the costs of cancer. This bill merely allows the existence of a dedicated fund (run at no cost to the state) to accept contributions to allow the many private and public entities dealing with cancer to coordinate their work for maximum effect. The policy committee already passed this bill and there is no issue for Ways and Means other than the cost of maintaining the fund (zero).

Majority committee report adopted.

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. **OUGHT TO PASS.**

Rep. Patrick F. Abrami for Ways and Means: This bill does four things. It eliminates the rulemaking authority of the commissioner of the department of agriculture, markets and foods to set fees for licensing weighing devices; allows service technicians to issue state seals; sets a fee schedule for licensing weighing devices; and requires the commissioner of the department of agriculture, markets and food to make an annual report to the House and Senate regarding consumer complaints, inspections and audits. The committee was satisfied that the proposed license fee structure covered the direct expense and reasonable indirect expenses associated with the weights and measures program. With the passage of this bill these licensing fees for the first time will be in statute. A majority of the committee agreed the fee structure is reasonable and that the other changes are necessary. Vote 18-2. Rep. Abrami spoke in favor and yielded to questions.

Rep. Butynski spoke against and requested a roll call; sufficiently seconded.

YEAS 264 NAYS 110

YEAS 264

BELKNAP

Accornero, Harry
Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Bolster, Peter
Greemore, Robert
Pilliod, James
Swinford, Elaine

Comtois, Guy
Luther, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Malone, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Sterling, Franklin Jr

Cartwright, Anne
Johnson, Jane

Dwinell, Richard
Moore, Charles

Emerson, Susan
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Mirski, Paul
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
 Barry, Richard
 Boehm, Ralph
 Buxton, Michael
 Coughlin, Sean
 Doherty, Shaun
 Flanagan, Jack
 Gargas, Carolyn
 Greazzo, Phil
 Hawkins, Kenneth
 Hogan, Timothy
 Infantine, William
 Maltz, Jonathan
 McGuinness, Sean
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Scontsas, Lisa
 Soucy, Connie
 Swank, Matthew
 Vaillancourt, Steve
 Willette, Robert

Balboni, Michael
 Belanger, James
 Brown, Kevin
 Cebrowski, John
 Cusson-Cail, Kathleen
 Donovan, Daniel
 Fredette, Robert
 Gimas, John
 Haefer, Robert
 Hikel, John
 Holden, Frank
 Krasucki, Joseph
 Marcus, Bruce
 Mecheski, Holly
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Thomas, Joseph
 Villeneuve, Moe

Ball, J. Michael
 Belvin, William
 Brownrigg, Randall Jr
 Christiansen, Lars
 Daniels, Gary
 Drisko, Richard
 Gagne, Larry
 Gonzalez, Carlos
 Hansen, Peter
 Hinch, Richard
 Hopper, Gary
 Lambert, George
 McCarthy, Michael
 Messier, Irene
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Robbins, David
 Silva, Peter
 Stepanek, Stephen
 Twombly, Timothy
 Warden, Mark

Barry, J. Gail
 Bergevin, Jerry
 Burt, John
 Condra, William
 DeJong, Cameron
 Erickson, Duane
 Gandia, Laura
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Hutchinson, Winfred
 LeBrun, Donald
 McClarren, Donald
 Moran, Edward
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Rowe, Robert
 Simmons, Tammy
 Summers, James
 Ulery, Jordan
 Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Keane, Thomas
 Lindsley, Mark
 McGuire, Dan
 Seaworth, G. Brian
 Winter, Steven

Coffey, Jennifer
 Hess, David
 Kidder, David
 Lockwood, Priscilla
 Palfrey, David
 Smith, Molly

Cohn, Seth
 Hill, Gregory
 Kotowski, Frank
 McDonnell, John
 Richardson, Jon
 Smith, Todd

Cox, Sean
 Hoell, J.R.
 Lauer-Rago, Kathleen
 McGuire, Carol
 Sanborn, Laurie
 Soltani, Tony

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Birdsell, Regina
 Chirichiello, Brian
 Devine, James
 Ferrante, Beverly
 Hagan, Joseph
 Introne, Robert
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Peckham, Michele
 Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Sytek, John
 Waddell, James
 Welch, David

Allen, Mary
 Bates, David
 Brown, Paul
 Comerford, Timothy
 Dowling, Patricia
 Fesh, Robert
 Headd, James
 Itse, Daniel
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Perkins, Amy
 Rice, Frederick
 Schroadtter, Adam
 Smith, William
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Antosz, Jason
 Belanger, Ronald
 Case, Frank
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Hoelzel, Kathleen
 Kappler, Lawrence
 Manuse, Andrew
 Murphy, Brian
 Oligny, Jeffrey
 Perkins, Lawrence
 Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Waterhouse, Kevin

Azarian, Gary
 Bettencourt, David
 Charron, Gene
 DeSimone, Debra
 Elliott, Robert
 Griffin, Mary
 Hutchinson, Karen
 Katsakiores, Phyllis
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Reagan, John
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tucker, Pamela
 Webb, James

STRAFFORD

Andolina, Donald
 Jones, Kyle

Cataldo, Sam
 Jones, Laura

DeLemus, Susan
 Larsen, Kirsten

Groen, Warren
 Munck, Philip

Newton, Clifford
Pitre, Joseph

O'Connor, William
Vita, Carol

Panek, William
Vita, Lucien

Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 110

BELKNAP

Kingsbury, Robert

CARROLL

Babson, David Jr

CHESHIRE

Butynski, William
Johnsen, Gladys
Moore, Robert Jr
Tatro, Bruce

Carr, Daniel
Lerandeau, Alfred
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lindsey, Steven
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Meador, David
Sad, Tara

COOS

Coulombe, Gary

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David
White, Andrew

Almy, Susan
Ladd, Rick Jr
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Christensen, D.L. Chris
Gidge, Kenneth
Judy, Jean
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Cote, David
Goley, Jeffrey
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted
Terrio, Ross

Campbell, David
Daler, Jennifer
Gorman, Mary
Kurk, Neal
Porter, Marjorie
Rosenwald, Cindy

Champagne, Norma
Garrity, Patrick
Jasper, Shawn
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Powers, James
Schlachman, Donna

Copeland, Timothy
Moody, Marcia
Quandt, Marshall
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Quandt, Matt

Gould, Kenneth
Pantelakos, Laura
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spang, Judith

Brown, Julie
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Browne, Brendon
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the committee report was adopted and ordered to third reading.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 8, 2011 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund.

SB 172, relative to performance-based school accountability criteria.

SB 194, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

SB 115, relative to observing voter check-in.

SB 135-FN-A, relative to election returns and election records.

SB 193, relative to nomination of political organizations.

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

SB 12-FN, relative to screening panels for medical injury claims.

SB 50, making various changes to laws regulating trusts and trust companies.

SB 97, relative to the application of the community revitalization tax relief incentive.

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association.

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

SB 75-FN, relative to clarification of part-time service in the state retirement system.

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district.

SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund.

SB 151-FN, relative to contracts of the department of health and human services.

SB 154-FN, reforming and renaming the comprehensive shoreland protection act.

SB 70-FN, relative to remedies in landlord-tenant actions.

SB 2, relative to adoption of spending caps by municipalities.

SB 183-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician.

UNANIMOUS CONSENT

Reps. Duarte, Ulery, Frank McCarthy and Kurk addressed the House.

MOTION TO PRINT REMARKS

Rep. Jasper moved that the remarks made by Rep. Duarte be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Duarte: Thank you, Mister Speaker. I rise today to tell you a story about Flag Day since it will be coming very shortly here in a couple of weeks. I was born in a place far, far away from here. It's called Viano Do Castello (village of the castle). My father came to America. One morning we got up and my mother was very excited and told us that in a few days we were going to come here

to America. We weren't really crazy about it, we were happy there, but because of her excitement, she kept telling us it's a very, very special place where everybody can be happy and your dreams can come true, we bought into that and the next day we were on our way to Lisbon which is a very long train ride. I never thought we'd get there. We had to go to Lisbon to get on a plane to come to America. I don't remember the plane ride and I don't remember Ellis Island. I do remember Boston. That was the first time that I had a glass of milk. I didn't like it much at six years old. The cookie was good. You see, in Viano Do Castello, we had three boys and two girls. We got a bowl of wine in the morning. Red wine with a nice sweet biscuit and it wasn't a cup; it was a bowl like a cereal bowl. By 9:00 in the morning we were very happy children. I think some of the things that come into play was that nap time came early. The parents were happy. The kids were off the streets. Then I remember coming to Provincetown and that was a fishing business. We had 40 fishing boats there and the Governor said they were going to make everything better there in Provincetown. Now they have 2 boats left so that didn't carry much weight. The story about my mother began when she started working really hard to get her citizenship. I came home from school one afternoon and this woman, Maria, was sitting there sobbing hysterically and I said, "Ma, what's the matter?" She continued to cry, but I did understand what she said and I knew she knew all the Presidents and she knew the history, but she looked at me with those crocodile tears and said, "They had me read this piece of paper and I couldn't do it and I failed." I can tell you, we could hear her crying that night throughout the house. The captain was out at sea, he was always at sea so there wasn't anybody there to kind of help her a little bit. We decided that we would all study with her and get her to pass. Well, two months later I came home from school again and my brother, Manny, was outside and he said, "We got troubles. Mama is in there crying her heart out." I could barely understand her. This time she says, "I did good here. I did good there. I even was able to read the paper they gave me." That is what we had her train on. "But then when they asked me to write it, I failed again." Oh my God, we all cried, three boys, two girls and my mother and of course captain was always at sea so he wasn't around. I said, Ma, the next time you go, I want to go with you. Let me tell you, it's a two hour cab ride. We had a cab ride from Provincetown to Boston and that's all she talked about all the way up, how she was going to pass the test. Anyway, the testing seemed to go on forever, but finally the doors opened and I saw people coming out with their little flags. I saw my mother and she didn't have her flag, but I did see that great big smile. When she approached me, she had the flag down by her side and she stuck it up and she says, "I passed. I got everything right. I love America. God bless America, I am so happy." So today I am so happy about her and that story. I have relayed it to you. When we lost her because of a battle with cancer in a very cold February in 1999, there were two things that she wanted to go with her. One was her rosary beads and the other was the little flag. So I could tell you that there is no doubt in my mind that when Flag Day comes, if the good Lord would just let us take a peek up there, you know what you would see? You would see my mother, Maria, with her little flag and she would be going around the room saying, "I love America. God bless America. I am so happy." Thank you very much.

MOTION TO PRINT REMARKS

Rep. Itse moved that the remarks made by Rep. Ulery be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Ulery: Thank you, Mister Speaker. I thank my colleagues for the opportunity to speak. This past weekend we honored those who gave, as Lincoln so eloquently stated, "the last full measure of devotion." It is right and fitting that we honor those who died defending this, the "last and best hope of mankind" to live free, but even the ceremonies on Memorial Day recognize another factor associated with the tribute. On Memorial Day morning our flag is hoisted to the top of the staff, briskly, and then lowered to half-staff, reverently. At noon, the living, the survivors, the grateful nation, comes to attention once again and briskly returns the flag to full-staff with pride and dignity reflecting that we, the living, vow to "carry on" preserving this great land from all threats to our liberty and freedom. There is more than the solemnity and honor on Memorial Day; there is the reflection upon those that serve now, those who, God forbid, we may mourn in the future. I rise today to speak about those who serve now. I had the honor and privilege of visiting a Marine Corps Air Station recently and living with Marines and their families for a short time. What was planned as a celebration so my better half could visit with our grandson turned, sadly, into a somber visit.

My son's former CO and his good friend, LTC Benjamin Palmer (on TDY with 2nd MEF) was killed by an Afghan policeman days before we arrived. The respect shown to the killed warrior and his family was remarkable. The turnout on a small base, including completely silencing traffic at the Memorial Service, was an example of the warrior bond that exists between our military members. Work stopped, aircraft were silent, and men and women literally poured from their duty stations to salute the hearse as it maneuvered off base headed to Arlington, VA and a resting place on the grounds of the former mansion of Robert E. Lee. Before that service, my wife and I were the guests of my son's unit at a family day cook-out, a pre-school graduation, tours of facilities by staff officers and senior NCOs. I had the privilege of speaking with officers and men and women who had seen combat in Iraq and Afghanistan. I watched them play volleyball, throw water balloons, play with their children, change diapers of their babies, scold misbehaving youngsters (although there were very few misbehaving), toss footballs with their sons and daughters, hug their wives or girlfriends, watch a dunk tank (with ranking officers and senior NCOs getting wet- of course), in short do what everyone does at a picnic. These men and women spoke of the same things we do, why gas costs so much, why there are so few jobs "in the real world," why they were denied pay a few weeks ago, why politicians seem so intent on telling everyone how to live their lives, why the value of their dollar is shrinking, how bad the food is overseas, how dirty and hot it was in Afghanistan, why on base pre-school and kindergarten costs so much money, why aircraft flew overhead at midnight (I could commiserate on that one as planes frequently make a run over my house to line up for Manchester – but a AV-8B Harrier II is much, much louder. That Rolls Royce turbofan engine is one noisy piece of work.) The southern cooking was superb, although I find I am not fond of corn dodgers and I like molasses in my baked beans. These men and women had their fair share of complaints about both Washington politicians and their home state politicians. They certainly took advantage of the opportunity to speak openly and clearly about their issues, yet these same men and women, without hesitation or mental reservation, serve our nation. I learned how, after a large tornado wreaked havoc on a trailer park near the base, it was the individual unit commanders who organized volunteer rescue parties to "practice disaster readiness skills" off base and who arrived and rendered aid before the local authorities were able to collect their wits. In the days that followed, the spouses (mostly wives) organized food drives, clothing drives and held collection drives for household goods to help their fellow non-military citizens. These same wives endure the forced separation of their family when their husband is deployed and in harm's way for months, even years at a time. These same wives, regardless of the rank of their husband, provided meals and comfort to LTC Palmer's widow and family without hesitation, but not without tears. These men and women stand ready, often at a moment's notice, to place their lives on the line for us. They are ready to leave family and home and like the verse in our National Anthem says, "Stand between them and war's desolation." On Memorial Day we honor those who died, but we also honor the living, those for whom the flag is restored to full-staff. There is an old movie titled *The Bridges at Toko-Ri*. At the end of the movie an admiral is on the flight bridge of a carrier, after losing several men in an air raid and rescue attempt in Korea. He pauses as flight operations continue in the background and asks the rhetorical question, "Where do we get such men?" Mr. Speaker and colleagues, I suggest to you that we get such men and women today and into the future from our youth. We have a duty to these young men and women to teach them the importance of individual responsibility, honor, courage and yes, old fashioned patriotism. These men and women will continue to serve us, the living, only if we teach them dedication to the proposition Mr. Lincoln made, oh so many years ago – that this nation shall not perish from the earth!

MOTION TO PRINT REMARKS

Rep. Baldasaro moved that the remarks made by Rep. Frank McCarthy be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Frank McCarthy: Thank you, Mister Speaker. Thank all of you for allowing me a few minutes on this warm and humid day to recognize the sacrifice of our men and women in uniform during this Memorial week. Lance Corporal John Tanney was an 18 year old Marine serving in Vietnam on September 23, 1968. John was a member of Lima Company, 3rd Battalion, 26th Marine Regiment during the siege and hill fights at Khe Sanh in Northwest I Corps. I was a platoon commander. I

had the 3rd platoon of Lima Company, but on this particular day I was aboard the hospital ship, the USS Sanctuary, having been severely wounded during an assault on Hill 689 in June. Lance Corporal Tanney's mom had recently seen fit to award John with a baby brother. Concerned that he may never see his baby brother in mortal flesh, John decided to write his brother an introductory letter. I believe it fitting and proper that this letter be heard 44 years later during Memorial Day week. John wrote the following:

Dear baby brother: I know that you won't be able to read this for a while, but I felt a compulsion to write to you anyway. I'm waiting to load up on a helicopter along with my buddies. My platoon is spearheading the assault up Hill 881 North. The enemy has many soldiers up top and they are dug in as well as we are at Khe Sanh. It will be a hard and bitter struggle, but no question, we Marines will take the objective. You are little now and haven't the slightest idea of what's going on in the world, but what we are doing here concerns you as much as anyone. It's important for you to remember what the Bible says, "I am my brother's keeper." Someday when you come of age you too will render your services to your country. You do not have to join the Marine Corps because I did. Just do your duty, actually, your privilege. Yes, it is truly a privilege to serve one's country, especially during a time of war. War is far, far worse than hell. Men are torn apart like worn-out rag dolls. War has a smell all its own. The smell of charred flesh. War has its own sounds. The sounds of men dying. Bob, I hope you will never have to go to war. I hope you can stop this thing from spreading. I hope the men of peace will sit down and discuss living in peace, but alas, I hope in vain. I am nearly going crazy thinking about assaulting that hill. I'm a Marine and I shall not falter. I will be confident in the Lord and in the training as a Marine. Bob, if anything should happen to me, remember this: I am fighting for the right to choose my own religion. I'm fighting for you, Mom, Dad and Cindy. I want to make my own decisions and be my own man and yes, I am fighting for my flag and for my country which means so much to me. I'm so very proud to fight for it. I know that you will be, too. You know, I am over 18 years older than you and I have spent so little time with you, but you are near to me not so much in my mind, as in my heart. I hope your generation of people will respect what we are doing here. I hope that they understand that we, too, love life. I've lost many friends here and that saddens me greatly, however, I am a Marine. We are used to fighting with the odds stacked against us, yet our spirit is indomitable and our loyalty unquestionable. Well little brother, I felt like writing to you. Perhaps it sounds foolish and maybe it is, but you can never imagine what it's like not knowing if I'm coming back down off that hill. I wanted you to have something from me to you. I love you, little brother, but you are too young to know that, but some day you will. I will leave now, time is short. With much love, your brother John.

Lance Corporal John Tanney, Lima Company, 3rd Battalion, 26th Marines was killed in action later that same day, September 23, 1968. Thank you.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference.

Adopted.

The House recessed at 1:50 p.m.

RECESS

(Rep. Jasper in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 30, 31, 47, 90, 133, 149, 258, 295, 313, 397, 419, 461, 532, 541, 544, 589, 594 and 647 and Senate Bills numbered 20, 32, 38, 47, 54, 105, 111, 121, 128 and 179.

Rep. Kidder, Sen. Prescott for the Committee

ENROLLED BILL AMENDMENTS

SB 116, relative to the manufactured housing installation standards board and relative to the definition of a modular building. (Amendment printed SJ 6-1-11)
Adopted.

SB 156-FN-L, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registration and title applications. (Amendment printed SJ 6-1-11)
Adopted.

RECESS

(Speaker O'Brien in the Chair)

SENATE MESSAGE**NONCONCURS WITH AMENDMENT****REQUESTS COMMITTEE OF CONFERENCE**

SB 91, relative to automatic fire suppression sprinklers.

The President appointed Sens. Barnes, Boutin and Merrill.

Rep. Bettencourt moved that the House accede.

Adopted.

The Speaker appointed Reps. Sterling, Ferrante, Betsey Patten and Burt.

CONCURRENCE

HB 51, relative to screening panel members for screening panels for medical injury claims.

HB 276-FN, relative to wine manufacturers.

HB 490-FN, adopting the interstate compact for juveniles.

HB 505-FN, making charter schools eligible for grants for leased space.

HB 565, establishing a dental hygienists committee within the board of dental examiners.

NONCONCURRENCE

HB 259, requiring the supreme court to adopt rules of evidence for the judicial branch family division.

HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission.

CONCURRENCE WITH AMENDMENTS

SB 21, relative to exemptions from excavating and drainage permits.

SB 37, relative to the determination of residency for certain pupils.

SB 58-FN-A, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax.

SB 98, revising the international registration plan.

SB 99, relative to trailer brakes.

SB 125-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

NONCONCURRENCE WITH AMENDMENT

SB 40, making technical corrections to meals and rooms tax laws.

RE-REFERRED TO COMMITTEE

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

HB 110, requiring professional safety and security services personnel to report certain criminal offenses.

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

HB 158, relative to the misuse of social security numbers.

HB 597, revising the child support guidelines based on an income shares model of calculating child support.

HB 648, relative to eminent domain petitions by public utilities.

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Reps. Daler and Soltani on the Committee on Redress of Grievances.

Rep. Marshall Quandt on the Committee on State-Federal Relations and Veterans Affairs.

Rep. Laware off the Committee on Labor, Industrial and Rehabilitative Services and on the Committee on Transportation.

CONFEREE CHANGES

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

Rep. Kappler replaced Rep. Sedensky.

RECESS

(Rep. Rodeschin in the Chair)

ENROLLED BILL AMENDMENT

HB 381, authorizing net metering for micro-combined heat and power systems.

Amendment (2120-EBA)

Amend RSA 362-A:9, I as inserted by section 3 of the bill by replacing line 12 with the following:

RSA 362-A:1-a, I-d.

Adopted.

RECESS

(Speaker O'Brien in the Chair)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. (Amendment printed SJ 6-1-11)

Rep. Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Weyler, Belvin, William Smith, Kurk and Lynne Ober.

Alternates: Reps. Stepanek, Thomas Keane and Dan McGuire.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Amendment printed SJ 6-1-11)

Rep. Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lynne Ober, Weyler, Kurk, Belvin and William Smith.

Alternates: Reps. Sova, Major and Carol McGuire.

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. (Amendment printed SJ 6-1-11)

Rep. Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Sedensky, Bowers and Winter.

RECESS

(Rep. Bettencourt in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 291.

Rep. Kidder, Sen. Prescott for the Committee

ENROLLED BILL AMENDMENTS

HB 175, relative to technical changes in life, accident, and health insurance.

Amendment (2286-EBA)

Amend the bill by replacing all after section 9 with the following:

10 Health Services Corporations; Reference Additions; Contingent Version. RSA 420-A:2 is repealed and reenacted to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:18, V, RSA 415:18, VII(g), RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

11 Health Maintenance Organizations; Reference Additions; Contingent Version. RSA 420-B:20, III is repealed and reenacted to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:18, VII(g), RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

12 Contingency. If HB 31 of the 2011 legislative session becomes law, sections 10 and 11 of this act shall take effect January 1, 2012 at 12:01 a.m. If HB 31 of the 2011 legislative session does not become law, sections 10 and 11 of this act shall not take effect.

13 Effective Date.

I. Section 8 and 9 of this act shall take effect upon its passage.

II. Sections 10 and 11 of this act shall take effect as provided in section 12 of this act.

III. The remainder of this act shall take effect 60 days after its passage.

Adopted.

HB 585, proclaiming the third week of October as New Hampshire history week.

Amendment (2275-EBA)

Amend section 2 of the bill by replacing lines 2-3 with the following:

Amend RSA 4 by inserting after section 13-p the following new section:

4:13-q New Hampshire History Week. The governor shall annually issue a proclamation calling

Adopted.

CONFEREE CHANGES

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

Rep. Cebrowski replaced Rep. Thomas Keane.

RECESS**(Speaker O'Brien in the Chair)**

Rep. Tucker moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 21

Wednesday, June 8, 2011

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

On this day, Lord, keep us observant of the traditions of civility. Keep us keen to avoid the fallacies which accompany mediocrity. Give us cool minds and hearts as well as the coolness of Your garden. Let Your face shine upon us and be gracious to us and give us Your peace. Amen.

Representative Peter Bolster, member from Alton, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Chirichiello, Eaton, Fesh, Hofemann and Tobin, the day, illness.

Reps. Robert Elliott, Gargas, Hatch, Thomas Keane, Lundgren, John O'Connor, Michael Reed, Scala, Edwin Smith, Todd Smith, Kevin Sullivan and Waterhouse, the day, important business.

INTRODUCTION OF GUESTS

Gwenyth Dawson and Sheila Peterson, mother and daughter of Rep. Peterson. Joanne Jacobs, guest of Reps. Matt and Lee Quandt. Theodore Groh, guest of Rep. Daler. The Honorable Bob Perry, former member from Strafford, guest of Rep. Horrigan. Alice and Norman Tregenza, Bruce and Rae Gordon, parents and guests of Rep. Tregenza.

Speaker O'Brien addressed the House.

MOTION TO PRINT REMARKS

Rep. Bettencourt moved that the remarks made by Speaker O'Brien be printed in the Permanent Journal.

Adopted.

MEMORIAL REMARKS FOR GOVERNOR WALTER PETERSON

Speaker O'Brien: Governor Walter Peterson was a New Hampshire icon, and a tremendous champion for many important civic and charitable causes across New Hampshire and he leaves a great hole for us all to step up and fill. Governor Peterson's life was spent in service to the state and country he loved. From his military service in the Pacific during World War II to his days in the State House, and then as president of Franklin Pierce College, he served this state well. We offer our heartfelt condolences to his family, especially to his son, and our former colleague, Andy Peterson. We join with the Peterson family and fellow Granite Staters in remembering and celebrating Governor Peterson's many accomplishments.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of former Governor Walter Peterson.

COMMITTEE OF CONFERENCE REPORT ON SENATE BILLS

COMMITTEE OF CONFERENCE REPORT ON SB 3

Committee of Conference Report on SB 3-FN-A-LOCAL, an act making comprehensive changes to the state retirement system.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Findings; Intent. The New Hampshire general court makes the following findings of fact and states the following intent and purpose for this act.

I. Immediate action is necessary to make the New Hampshire retirement system (NHRS) viable and solvent.

(a) NHRS is the successor to the State Employees' Retirement System. NHRS was created and established as of July 1, 1967. The NHRS was intended to and does establish a defined benefit pension plan qualified under Section 401(a) of the United States Internal Revenue Code (IRC). The NHRS plan is a governmental plan within the meaning of Section 414(d) of the IRC.

(b) As a defined benefit pension plan, the provisions of NHRS describe benefits which will be made available to members as vested deferred retirement benefits payable on retirement or on events such as disability or death. Benefits pursuant to the NHRS are payable after a period of years during which members accrue creditable service. Members are deemed to be in vested status for those benefits after 10 years of creditable service.

(c) As a governmental plan, the NHRS is only available to governmental employers.

(d) The NHRS is funded with contributions from members, through mandatory payroll deductions, and with contributions from the governmental employers, all of which are raised through taxation. Such contributions are held in trust by the NHRS Board of Trustees; funds held by the trust are held and invested on behalf of all members.

(e) As a defined benefit pension plan, the NHRS requires actuarial calculations in order to determine benefits which are payable as well as funding obligations.

(f) The benefit calculations which are required by the NHRS generate funding obligations which are complex and depend on numerous variables with consequences that occur over a period of many years, in some circumstances in ways that are not foreseeable.

(g) The NHRS has an estimated unfunded pension liability of \$3.72 billion and an estimated unfunded medical insurance liability of \$976 million.

(h) In 2007, legislation was adopted to require the state and other public employers to pay down over 30 years the unfunded accrued liability, which was approximately \$2.7 billion at the time. While that plan is now being implemented, large increases in the amount of the unfunded liability result in the current \$4.7 billion total, uncertainties in future market returns, recommendations by NHRS actuaries to lower income earning assumptions, rapid increases in medical costs, increases in life expectancy, and slower growth in public sector employment require prudent legislative intervention to ensure financial viability of NHRS.

(i) Financial viability of the NHRS is essential to the operation of state government and local government performing its constitutional and statutory obligations. Therefore, the stability of NHRS is an important, immediate, and fundamental necessity.

(j) The Pew Institute has concluded that unfunded pension and health care liabilities are a nationwide problem, estimated at over \$1 trillion. Additionally, the level of direct federal debt in excess of \$14 trillion means that federal funding to the states will have to be significantly reduced in the near future. Thus, the state cannot expect assistance from the federal government in meeting NHRS obligations, and indeed it is reasonable to anticipate a loss in federal funds.

(k) The NHRS plan (and its trust) was created by the New Hampshire legislature and can be amended or terminated by the New Hampshire legislature at any time. Notwithstanding the general court's power, it is the general court's intention and public necessity to protect the reasonable interests of the members who accrue benefits under the NHRS plan, of the employers of those members, and of the citizens of New Hampshire.

(l) It is the legislature's intention that its actions taken at this time will not prevent future legislatures from acting to make any and all laws necessary and proper to preserve the public security, order, health, morality and justice, including further changes to the NHRS.

(m) The legislature's ongoing power to amend the NHRS is a fundamental power essential to government, and cannot and will not be surrendered by the legislature or irrevocably transferred away from government.

(n) The legislature finds that members who are deemed to be in vested status should be treated differently than members who are not deemed to be in vested status.

(o) The legislature finds that pension entitlements must be viewed in terms of benefits which have accrued up to the time when valuation is determined, and that such entitlements can be essentially expressed as a dollar value by taking into account the time value of money.

(p) The legislature finds that participants who are deemed to be in vested status in the NHRS have a reasonable expectation that the value of benefits which have accrued to them will not be taken away, although they may be changed prospectively.

(q) The legislature intends that the present value of accrued benefits for members who are deemed to be vested will not be diminished financially, as determined based upon an actuarial determination.

(r) It is the legislature's intention that benefits of members who have already retired will not be significantly diminished or impaired.

(s) The legislature does not intend that the rate of future benefit accruals is or should be protected.

(t) It is the legislature's intention that changes to the NHRS are and will continue to be constrained by the Internal Revenue Code tax qualification requirements imposed by Code Section 401(a) and related guidance; that is, changes will be made, or will not be made, in order to protect the NHRS qualified status.

II. Making NHRS viable and solvent through the actions to be undertaken pursuant to this legislation is a matter of extreme policy importance to the state.

(a) On average, benefits currently constitute an additional 52 percent increase to the cost of state employee salaries.

(b) These benefits paid by the NHRS are significantly higher than are paid in the private sector and cannot be sustained. Public employees are increasingly not cost-competitive with private alternatives to providing state and municipal services.

(c) Absent the actions to be taken pursuant to this legislation, it is likely that the state and its political subdivisions will not be able to afford to continue providing governmental services directly, but will have to provide these services through private alternatives.

(d) Public employee contributions to their pensions have not been increased for many years.

(e) Public employer contributions have been increasing significantly, erratically, and unpredictably in amounts that are undermining state and local government budgets, the public policies reflected in these budgets, and the ability of the state and local government to perform core constitutional and statutory obligations.

(f) Public employees provide state and municipal services which are essential to residents and visitors. Without changes to address the unsustainable increases in the costs of public employee benefits, however, the state and local governments will be forced to reduce the number of public employees, and shrink public service, in order to fund these growing benefit costs. The general court finds that such a result would be detrimental to the ability of state and local government to protect the lives, health, morale, comfort, and general welfare of the public.

(g) Increasing employer contributions would result in significant harm to the state's economy.

(h) Taxes to fund employer contributions are imposing an unreasonable burden on taxpayers.

III. This act contains the minimum actions necessary to assure the viability and solvency of the NHRS.

(a) The changes to be made to the NHRS at this time pursuant to this act are essential to assuring the solvency of the NHRS, addressing its structural problems, and balancing reforms fairly among employee classes, while minimizing the impact on present employees, especially those closest to retirement.

(b) The legislature specifically finds after many public hearings, hours of studying the issue, and hours of debate, that this act constitutes the minimum actions necessary to assure the viability and solvency of the NHRS.

(c) The response of public sector employers to significantly increasing premium contributions has been to reduce their number of employees. Without significant reform to the NHRS, this trend is likely to escalate.

(d) Absent this legislation, public safety, public education, and other elements of the social safety net will be increasingly compromised and unable to provide services to the public.

(e) This legislation represents the minimum reform necessary to continue to provide appropriate public safety, public education, and other governmental services.

(f) Where public sector employers have raised taxes to pay for increasing pension contributions, there has been an adverse effect on job growth and retention.

(g) Raising taxes to pay for increasing pension contributions, would discourage business from relocating to this state and encourage businesses to move from New Hampshire or expand their operations in other states.

(h) The legislature specifically finds after many public hearings, hours of studying the issue and hours of debate, that raising taxes to address NHRS' issues would be harmful to the state's economy, the quality of life of its citizens, place New Hampshire at a competitive disadvantage to other states, and would be against the public interest.

(i) The financial viability of the NHRS must be preserved, as it serves an important public purpose. The general court expressly finds that the changes made in this act are reasonable and necessary, and are the minimum adjustments possible to the retirement system and to public employee retirement benefits to accomplish the important public purpose of preserving and maintaining the ability of the state and local government to provide retirement benefits to public employees.

(j) The changes set forth in this act have been deliberately designed to adjust the system fairly among employee classes, to introduce changes in a way to minimize the impact on present employees, especially those closest to retirement, and to improve the long-term fiscal health and sustainability of the retirement system.

2 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For [aH] members *who have attained vested status prior to January 1, 2012* the full base rate of compensation paid, *as determined by the employer*, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities [~~or for other extra or special duty~~], and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. *Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII.* However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) *For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, holiday and vacation pay, sick pay, cost of living bonus, annual longevity pay, additional pay for extracurricular and instructional activities, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.*

(2) *Compensation over base pay shall be limited during the highest 5 years of creditable service as provided in paragraph XVIII.*

(3) *Earnable compensation shall not include compensation for extra and special duty for members who commence service on and after July 1, 2011.*

(4) Earnable compensation shall not include incentives to encourage members to retire, severance pay or end-of-career additional longevity payments, and pay for unused sick or vacation time. Earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

3 Applicability; Earnable Compensation. For members of the retirement system who were in active status immediately prior to the effective date of section 2 of this act, the provisions of RSA 100-A:1, XVII as amended by section 2 of this act shall not apply until January 1, 2012.

4 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean:

(a) For members who have attained vested status prior to January 1, 2012, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount of compensation for extra and special duty paid to the members over the member's last 7 years or over all of the years in his or her creditable service if less than 7 years.

(b) For members who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012, the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of this calculation, inclusion of compensation in each of the highest 5 years which is in excess of the full base rate of compensation paid as determined by the employer shall not exceed the average annual amount of compensation over base pay paid to the member over all the member's years of service on or after January 1, 2012, but excluding the highest 5 years.

5 Maximum Initial Benefit. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, for members who commenced service before July 1, 2009, a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. ~~[For members who commenced service on or after July 1, 2009, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed \$120,000.]~~ *For members who commenced service on or after July 1, 2009 or have not attained vested status prior to January 1, 2012, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the lesser of 85 percent of the member's average final compensation or \$120,000.* Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c). This provision shall not limit the application of supplemental allowances ~~[under RSA 100-A:41-a].~~

6 State Employees; Medical and Surgical Benefits; Eligibility. Amend RSA 21-I:30 to read as follows:

21-I:30 Medical and Surgical Benefits.

I. The state shall pay a premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and each retired employee, as defined in paragraph II of this section, and his or her spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living, toward group hospitalization, hospital medical care, surgical care and

other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption. Funds appropriated for this purpose shall not be transferred or used for any other purpose.

II. For the purposes of this section, "retired employee" means each group I state employee who:

(a)(1) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003 **and prior to July 1, 2011**, and who also is at least 60 years of age at the time of retirement; or

(2) **Has at least 20 years of creditable service if the employee's service began on or after July 1, 2011, and who also is at least 60 years of age at the time of retirement, provided the employee shall not be eligible to receive benefits under this section until attaining 65 years of age; or**

(b) Has at least 30 years of creditable service for the state at the time of retirement **if the employee's service began prior to July 1, 2011**, regardless of the employee's age; or

(c) Is but for the provisions of 1989, 376:10, otherwise eligible to receive medical and surgical benefits under this section notwithstanding subparagraphs (a) and (b), and paragraph IV, on June 30, 1989, and who retires between July 1, 1989, and June 30, 1994; or

(d) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(e) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(f) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his **or her** death, if the state employee had at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003.

II-a. For the purposes of this section, "retired employee" also means each group II state employee who:

(a) Retires if the employee's state service began prior to July 1, 2010 or who retires with at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010; or

(b) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(c) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(d) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his or her death, if the state employee had at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010.

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II **who is in vested status before January 1, 2012**, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, **and any group II member who commenced service on or after July 1, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d).**

IV. Each state employee who has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003 **and prior to July 1, 2011**, and who elects to take a reduced service

retirement allowance shall be defined as a “retired employee” for the purposes of being eligible to receive medical and surgical benefits under this section when the state employee reaches age 60.

V. No state employee who terminates his or her state service before he or she becomes eligible for retirement benefits as a “retired employee” as defined under paragraphs II-IV shall be eligible for medical and surgical benefits under this section.

VI. A state employee who commences service on or after July 1, 2011 and who is eligible for benefits under this section shall not receive such benefit until attaining age 52.5 if the state employee retired from group II service with the state or attaining age 65 if the state employee retired from group I service with the state.

7 Service Retirement Benefits. Amend RSA 100-A:5 to read as follows:

100-A:5 Service Retirement Benefits.

I. Group I Members.

(a) Any group I member may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained age 60 and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year. ***Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.***

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service. ***Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.***

(c) Notwithstanding any other provision of law, any group I member ***who commenced service prior to July 1, 2011*** who meets the requirements of RSA 100-A:10, I(a), and who has either completed at least 20 years of creditable service which, when combined with his ***or her*** age equals at least 70 years, or who has attained the age of 50, but not the age of 60, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age, by 1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

(d) [Repealed.]

II. Group II Members.

(a) Any group II member in service, ***who is in vested status before January 1, 2012***, who has attained age 45 and completed 20 years of creditable service, ***and any group II member who commenced service on or after July 1, 2011 who has attained age 50 and completed 25 years of***

creditable service, and group II members who have not attained vested status prior to January 1, 2012 as provided in the transition provisions in RSA 100-A:5, II(d), or any group II member in service who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service. Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of retirement; and

(2) *For members who are in vested status before January 1, 2012*, a state annuity which, together with his *or her* member annuity, shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service not in excess of 40 years, *or for members who commenced service on or after July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 42.5 years, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years.*

(3) *Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.*

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who *is in vested status before January 1, 2012 and* has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, *and any group II member who commenced service on or after July 1, 2011 and retires after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, and group II members who have not attained vested status prior to January 1, 2012 who qualify as provided in the transition provisions in RSA 100-A:5, II(d), shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.*

(2) [Repealed.]

(3) [Repealed.]

(d) *Active group II members who commenced service prior to July 1, 2011 and who have not attained vested status prior to January 1, 2012 shall be subject to the following transition provisions for years of service required for regular service retirement, the minimum age for regular service retirement, and the multiplier used to calculate the retirement annuity, which shall be applicable on or after January 1, 2012 according to the following table:*

<u>Creditable service</u> <u>on January 1, 2012</u>	<u>Minimum years of service</u>	<u>Minimum age attained</u>	<u>Annuity multiplier</u>
(1) <i>Less than 4 years</i>	24	age 49	2.1%
(2) <i>At least 4 years but less than 6 years</i>	23	age 48	2.2%
(3) <i>At least 6 years but less than 8 years</i>	22	age 47	2.3%
(4) <i>At least 8 years but less than 10 years</i>	21	age 46	2.4%

8 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his *or her* accumulated contributions at the time of his *or her* ordinary disability retirement; and a state annuity which, together with his *or her* member annuity, *for members who are in vested status before January 1, 2012*, shall be equal to 2-1/2 percent of his *or her* average final compensation at the time of [his] ordinary disability retirement multiplied by the number of years of his *or her* creditable service not in excess of 40 at the time of [his] ordinary disability retirement, *or for members who commenced service on or after July 1, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 42.5 at the time of ordinary disability retirement, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years* provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his *or her* disability retirement.

9 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to 2/3 of his *or her* average final compensation at the time of [his] disability retirement.

(1) *For members who are in vested status before January 1, 2012*, any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his *or her* average final compensation multiplied by the number of years of his *or her* creditable service in excess of 26-2/3 but not in excess of 40 years.

(2) *For members who commenced service on or after July 1, 2011, any group II member who has more than 33-1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33-1/3 but not in excess of 42.5 years.*

(3) *For group II members who have not attained vested status prior to January 1, 2012 calculation of the supplemental allowance shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the number of years for the supplement adjusted proportionally.*

10 Vested Deferred Retirement. Amend RSA 100-A:10 to read as follows:

100-A:10 Vested Deferred Retirement Benefit.

I. Group I Members.

(a) A group I member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be an employee or teacher shall be deemed in vested status and upon meeting the eligibility requirements of subparagraph (b) may collect a vested deferred retirement allowance. In lieu of a vested deferred retirement allowance, the member may make application on a form prescribed by the board of trustees and receive a return of the member's accumulated contributions under RSA 100-A:11. *Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.*

(b) At any time after attainment of age 50, a group I member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions on the date of retirement and a state annuity which, together with the member annuity, shall be equal to either the service retirement allowance payable under RSA 100-A:5, I(a) and I(b) or the reduced early service retirement allowance payable under RSA 100-A:5, I(c), based on the member's age when the vested deferred retirement allowance begins and on the member's average final compensation and creditable service at the time service is terminated. *Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the*

age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.

II. Group II Members.

(a) A group II member who has completed 10 years of creditable service and who, for reasons other than retirement or death, ceases to be a permanent policeman or permanent fireman shall be deemed in vested status and upon meeting the eligibility requirements of subparagraph (b) may collect a vested deferred retirement allowance. In lieu of a vested deferred retirement allowance, the member may make application on a form prescribed by the board of trustees and receive a return of the member's accumulated contributions under RSA 100-A:11. *Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.*

(b) *For members who are in vested status before January 1, 2012*, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, *or for members who commenced service on or after July 1, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d)*, or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated. *Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a vested deferred retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.*

11 Split Benefits; Minimum Age. Amend RSA 100-A:19-b, II to read as follows:

II.(a) For a member *who is in vested status before January 1, 2012 and*, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years.

(b) *For a member who commenced service on or after July 1, 2011 and who has completed 25 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 50 years, and provided that a the member shall not be eligible to receive a retirement allowance until attaining the age of 52.5.*

(c) *For members who have not attained vested status prior to January 1, 2012, minimum age shall be as provided in the transition provisions in RSA 100-A:5, II(d) with one year deducted from age 60 to not less than the adjusted minimum age.*

12 Split Benefits; Reduced Early Retirement. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 *for members who are in vested status with group II service before January 1, 2012 or at least 50 for members who commenced group II service on or after July 1, 2011, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d)*, and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall

be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

13 Financing; Member Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, *and except as provided in RSA 100-A:16, II-a*, dependent upon the member's employment classification at the rate determined in accordance with the following table:

(1) [Employees of employers other than the state	5.00
Employees of the state hired on or before June 30, 2009	5.00
Employees of the state hired after June 30, 2009	7.00
Teachers	5.00}
Group I members,	7.00
(2) [Permanent Policemen	9.30
Permanent Firemen	9.30}
Group II permanent fireman members,	11.80
Group II permanent police members,	11.55

(aa) The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members *who are in vested status before January 1, 2012* with creditable service in excess of 40 years, *and group II members who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012 with creditable service in excess of 42.5 years* as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member *who is in vested status before January 1, 2012* with creditable service in excess of 40 years, *and any group II member who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012 with creditable service in excess of 42.5 years* as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

14 New Paragraph; Alternative Contribution Calculation. Amend RSA 100-A:16 by inserting after paragraph II the following new paragraph:

II-a.(a) Notwithstanding the method of calculating member and employer contributions under this section, if for any year the board of trustees certifies that within a member classification the employer rates determined under paragraph III have lowered to require them to be equal to the member rates under paragraph I, then for all subsequent years following such certification the employer rates and the members rates for such member classification shall continue to be equal whether the system liabilities increase or decrease.

(b) The provisions of subparagraph (a) shall not take effect and shall be inapplicable to the retirement system calculation of contribution rates under this section if such provisions of subparagraph (a) would violate the requirements set forth in U.S. Treasury Regulation 1.401-1.

15 Retirement System; Administration; Membership of Board. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of [14] **13** trustees. Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint [2] **4** trustees, to be known as nonmember trustees, who shall be qualified persons with investment and/or financial experience as provided in this paragraph and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified. The nonmember trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. The original appointment of [~~one of~~] the nonmember trustees shall be [~~for a term of one year~~] **made to provide for staggered terms**. The remaining [~~11~~] **8** members of the board shall consist of [~~2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who shall be appointed annually by the senate president, one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, and one person representing management in local government. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term.:~~] **one employee member, one teacher member, one permanent police member, one permanent fireman member, and 4 employer members**. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, **and** the New Hampshire state permanent firemen's association[~~, and the New Hampshire Local Government Center~~] shall each annually nominate from their members a panel of 5 persons, all of whom [~~except for the panel of the Local Government Center~~] shall be active members of the retirement system[~~, or one of the 4 predecessor systems~~], no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From [~~each of~~] the above named panels the governor and council shall appoint [~~one person annually to~~] **the active member trustees** of the board[~~, except for the panel of the Local Government Center, which shall have one person appointed every 2 years~~] **as needed so as to maintain the representation on the board. The governor and council shall appoint the employer members of the board with one member nominated by the New Hampshire Association of Counties, one member nominated by the New Hampshire Municipal Association, one member nominated by the New Hampshire School Boards Association, and one member to represent management of state employees**. Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term [~~from the same panel from which the former member was appointed~~]. The governor shall designate one of the nonmember trustees to serve as chairman of said board of trustees.

16 Application; Board of Trustees Membership. Upon the effective date of this section, and based upon the suggestions submitted by the New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, and the New Hampshire state permanent firemen's association, the governor and council shall determine which one of the 2 current member trustees in each of the 4 employee categories shall remain on the board. Upon a vacancy occurring in the membership on the board of trustees after the effective date of this section, the appointment of a trustee shall be made to reasonably conform to the trustee designations in RSA 100-A:14, I as amended by this act.

17 New Paragraph; Board of Trustees; Report to General Court. Amend RSA 100-A:14 by inserting after paragraph VII the following new paragraph:

VII-a. The board of trustees shall submit a report each quarter by January 1, April 1, July 1, and October 1, to the chairpersons of the house and senate executive departments and administration committees. Such report shall describe recent board actions including any changes to actuarial assumptions and investment returns.

18 Medical Benefits Subsidy; Payment by Retirement System. RSA 100-A:52, II is repealed and reenacted to read as follows:

II. For the fiscal year beginning July 1, 2011, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not

entitled to Medicare benefits, shall be \$375.56 per month, and on account of each person qualified under paragraph I who is entitled to Medicare benefits, shall be \$236.84 per month. The rate payable under this paragraph shall not be increased.

19 Retirement System Membership. Amend RSA 100-A:3, I to read as follows:

I.(a) Any person who becomes an employee, teacher, permanent policeman, or permanent fireman after the date of establishment, working in a position for an employer under this chapter as determined by common law standards, shall become a member of the retirement system as a condition of employment. ***In addition, employees appointed to an unclassified position with no fixed term on or after July 1, 2011 shall become members of the retirement system as a condition of employment, if they are receiving benefits from the retirement system. Any retirement benefit collected by such an unclassified employee shall be suspended during the period of employment. Membership in the retirement system*** [~~except that membership~~] shall be optional in the case of elected officials, officials appointed for fixed terms, [~~unclassified state employees~~] ***employees appointed to an unclassified position with no fixed term prior to July 1, 2011,*** or those employees of the general court who are eligible for membership in the retirement system. Elected officials and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:

(1) The office held is a full-time position with eligibility for the same fringe benefits as other full-time employees of the employer;

(2) The office held is the primary occupation of the person holding the office;

(3) The base rate of annual compensation for the office held is at least \$15,000, and requires at least 1,700 hours of employment; and

(4) The official satisfies the condition under subparagraphs (1)-(3) by using only one elected or appointed office to qualify.

(b) Any employee who is currently an employee of the general court who works on a full-time basis and who is eligible for other state benefits, but whose salary was or is calculated on a per diem basis shall be eligible to exercise those buy-back provisions set forth in RSA 100-A:3, VI(a), (b), and (c) for such previous service, only if the employee is currently a member in the retirement system.

(c) [Repealed.]

(d) The option in subparagraph (a) shall not be available in the case of any newly created positions for unclassified employees or officials whether appointed with fixed terms or with no fixed terms nor in the case of any newly appointed positions created by political subdivisions after July 1, 2011.

20 New Paragraph; Definition Added; Part-time Employment. Amend RSA 100-A:1 by inserting after paragraph XXXIII the following new paragraph:

XXXIV. "Part-time," for purposes of employment of a member, but excepting per diem court security officers and court bailiffs, means employment by an employer depending on the group classification of the employment as follows:

(a) For group I, in no instance shall part-time employment of the member exceed 32 hours in a normal calendar week.

(b) For group II, part-time employment of the member shall not exceed 32 hours in a normal calendar week; except for group II employment which in some instances may exceed 32 hours in any normal calendar week. In such case the part-time employment of the member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.

21 Credit of Interest. Amend RSA 100-A:16, II(g) to read as follows:

(g) All interest and dividends earned on the funds of the retirement system shall be credited to the state annuity accumulation fund. The board of trustees shall allow interest [~~at such rate or rates as it shall determine from time to time~~] on the individual accounts of members in the member annuity savings fund and shall annually transfer such interest amount from the state annuity accumulation fund. ***The rate of interest shall be 2 percentage points less than either the most recent board of trustees approved assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR) as approved and accepted by the board of trustees by December 1 of each year, provided the rate shall not be less than zero.*** Such interest shall be compounded at an annual rate and shall be prorated and credited to the member annuity savings fund to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

22 Management of Funds; Investment Committee. Amend RSA 100-A:15, I to read as follows:

I. The members of the board of trustees shall be the trustees of the several funds created hereby and shall set the investment policy relative to those funds. The independent investment committee shall have full power to invest and reinvest such funds in accordance with the policy set by the board. The board of trustees *and the members of the independent investment committee* shall have the powers, privileges, and immunities of a corporation. The independent investment committee shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments in accordance with the policy set by the board. All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested, or disbursed in trust.

23 Independent Investment Committee Amend RSA 100-A:15, IX to read as follows:

IX. The non-trustee members of the independent investment committee shall be afforded the same liability insurance [and], indemnification, *and statutory protections* as board members.

24 Additional Temporary Supplemental Allowance; 2012 Added. Amend RSA 100-A:41-d, III to read as follows:

III. The supplemental allowance in this paragraph shall apply only for the fiscal years beginning July 1, 2008 up to and including the fiscal year beginning July 1, ~~2011~~ **2012**. In addition to paragraphs I and II, any retired member of the New Hampshire retirement system or any of its predecessor systems or any beneficiary of such retired member who is receiving an allowance, except for a retired state member, or his or her beneficiary, whose medical benefits are paid by the state pursuant to RSA 21-I, who is receiving a medical benefit subsidy payment under RSA 100-A:52 or RSA 100-A:52-a, shall be entitled to receive an additional supplemental allowance, in addition to the provisions of RSA 100-A:41-a, on the retired member's latest anniversary date. The amount of the additional temporary supplemental allowance under this paragraph shall be \$500 for retirees taking a one-person medical benefit and \$1,000 for retirees taking a 2-person medical benefit, paid from the respective component of the special account. Provided, however that no 2-person subsidy recipient may receive more than \$1,000 per year under this paragraph, and that once a recipient is entitled to Medicare, the additional allowance under this paragraph shall be reduced to 60 percent of the non-Medicare eligible retiree amounts.

25 Transfer of Balance of Special Account. Except for funds necessary to comply with the requirement of RSA 100-A:41-d, III as amended by this act, any funds remaining in the special account as of June 30, 2011 as determined on a generally accepted accounting principles basis shall be transferred to the respective components of the state annuity accumulation fund effective June 30, 2011.

26 Study Committee Established; Voluntary Defined Contribution Plan. There is established a committee to study the establishment of a federal tax qualified voluntary defined contribution plan.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

IV. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

27 Study Committee Established; Disability, Medical Subsidy, COLAs. There is established a committee to study retirement system matters related to disability retirement, medical subsidies, and cost of living adjustments or supplemental allowances.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

IV. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

28 Repeal. The following are repealed:

I. RSA 100-A:6, III(b)(3), relative to the group II accidental disability beneficiary exception from gainful occupation reduction.

II. RSA 100-A:4-b, relative to group I employees and teachers purchase of credit for out-of-state service.

III. RSA 100-A:4-c, relative to group II members purchase of credit for out-of state service.

29 Severability. If any provision of this act or the application of such provision to any person or circumstance is held invalid or is deemed not to comply with applicable law or regulations of the Internal Revenue Service so as to jeopardize the retirement system's status as a qualified governmental pension plan, the invalidity or non-compliance does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

30 Retirement System; Recalculation of Employer Rates; Recertification. Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall recalculate employer contribution rates for the state fiscal years 2012 and 2013 to reflect the requirements of this act. The retirement system board of trustees has determined that the assumed rate of return recently approved by the board is determined to take effect in fiscal year 2014. Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective as soon as possible following July 1, 2011. The recertification of employer contribution percentages shall be effective when provided to each employer within a reasonable period of time not to exceed 30 days from the approval by the board of the recalculation from the system actuary. The exception to the notice requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer contribution rates for the biennium beginning July 1, 2011.

31 Effective Date.

I. Sections 2-14 and 18-21 of this act shall take effect July 1, 2011.

II. Sections 15-17 of this act shall take effect September 1, 2011.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes various changes to the state retirement system including:

I. Increasing retirement ages of group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

II. Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

III. Changing the composition of the board of trustees.

IV. Transferring remaining funds from the special account into the state annuity accumulation fund.

V. Eliminating future increases to medical benefits premium payments.

VI. Increasing member contribution rates.

VII. Establishing a committee to study the establishment of a federal tax qualified voluntary defined contribution plan and a committee to study matters related to disability, medical subsidies, and COLAs.

VIII. Limiting when the option to become a member of retirement system applies, and defining part-time employment.

IX. Changing the eligibility for state employees to receive medical benefits.

X. Extending a temporary supplemental allowance for fiscal year 2013

XI. Changing the interest calculation attributed to contributions.

Conferees: Sens. Bradley, Dist. 3; Carson, Dist. 14; and Groen, Dist. 6.

Conferees: Reps. Hawkins, Hills. 18; Kurk, Hills 7; William Smith, Rock. 18; and Kappler, Rock. 2. Rep. Shurtleff spoke against.

Reps. Kurk and Hawkins spoke in favor and yielded to questions.
Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 250 NAYS 112**YEAS 250****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Schmidt, Stephen

Babson, David Jr
Merrow, Harry
Tregenza, Norman

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

CHESHIRE

Byrnes, John
Hunt, John

Cartwright, Anne
Johnson, Jane

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbreton, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gimas, John
Hansen, Peter
Hinch, Richard
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belanger, James
Brown, Kevin
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belvin, William
Burt, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Bergevin, Jerry
Cebrowski, John
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon

Coffey, Jennifer
Hess, David

Cohn, Seth
Hill, Gregory

Cox, Sean
Hoell, J.R.

Kidder, David
Lindsley, Mark
McGuire, Dan
Smith, Molly

Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Winter, Steven

Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie

Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garrity, James
Headd, James
Itse, Daniel
Major, Norman
McMahon, Charles
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Smith, William
Tremblay, Stella
Welch, David

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua
Duarte, Joe
Gould, Kenneth
Hoelzel, Kathleen
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Sedensky, John
Sullivan, James
Waddell, James
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Case, Frank
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne

Azarian, Gary
Bettencourt, David
Charron, Gene
Devine, James
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tasker, Kyle
Webb, James

STRAFFORD

Andolina, Donald
Groen, Warren
Larsen, Kirsten
O'Connor, William
Vita, Carol

Brown, Julie
Jones, Kyle
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Munck, Philip
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Keans, Sandra
Newton, Clifford
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 112 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Townsend, Charles

Almy, Susan
Harding, Laurie
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Garity, Patrick
Judy, Jean
McCarthy, Michael
Ramsey, Peter
Shaw, Barbara

Brownrigg, Randall Jr
Cote, David
Gidge, Kenneth
Katsiantonis, Thomas
Pilotte, Maurice
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Daler, Jennifer
Goley, Jeffrey
Levasseur, Nickolas
Porter, Marjorie
Rokas, Ted

Buxton, Michael
Gandia, Laura
Gorman, Mary
Long, Patrick
Proulx, Mark
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr

Copeland, Timothy
Norelli, Terie
Powers, James
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

Lovejoy, Patricia
Perkins, Amy
Quandt, Matt
Sytek, John

STRAFFORD

Berube, Roger
Grassie, Anne
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Domingo, Baldwin
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the Committee of Conference Report was adopted.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 82, relative to the annulment of criminal records. (Amendment printed SJ 6-1-11)
Rep. Swinford moved that the House concur and spoke in favor.
Adopted.

HB 147-FN, making the commission of certain offenses punishable under the capital murder statute.
(Amendment printed SJ 6-1-11)

Rep. Swinford moved that the House concur and spoke in favor.

Rep. Vaillancourt spoke against and yielded to questions.

Reps. Pierce and Dowling spoke against.

Reps. Jasper and Tholl spoke in favor.

Rep. White requested a roll call; sufficiently seconded.

YEAS 211 NAYS 153**YEAS 211****BELKNAP**

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey

Flanders, Donald
Malone, Robert
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

Kingsbury, Robert
Simpson, Tyler
Worsman, Colette

CARROLL

Chandler, Gene
Merrow, Harry
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

Knox, J. David
Schmidt, Stephen

McConkey, Mark
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Sterling, Franklin Jr

Emerson, Susan

COOS

Daugherty, Duffy
Tremblay, Marc

Remick, William

Tholl, John Jr

Thomas, Yvonne

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Simard, Paul

Brosseau, Charles
Mirski, Paul
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Campbell, David
Daniels, Gary
Drisko, Richard
Gagne, Larry
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
Marcus, Bruce
Murphy, Keith
Pepino, Leo
Renzullo, Andrew
Simmons, Tammy
Swank, Matthew
Whitehead, Randall

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Condra, William
Day, Russell
Erickson, Duane
Gimas, John
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
McCarthy, Michael
Notter, Jeanine
Peterson, Lenette
Rowe, Robert
Stroud, Kathleen
Terrio, Ross
Willette, Robert

Ball, J. Michael
Belvin, William
Burt, John
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Goley, Jeffrey
Hansen, Peter
Hinch, Richard
Hopper, Gary
Kurk, Neal
McClarren, Donald
Ohm, Bill
Pratt, Calvin
Scoutsas, Lisa
Sullivan, Daniel
Twombly, Timothy

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
LeBrun, Donald
Mecheski, Holly
Pellegrino, Tony
Proulx, Mark
Silva, Peter
Summers, James
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hess, David
Lindsley, Mark
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
McDonnell, John
Smith, Molly

Cox, Sean
Kreis, Kenneth Sr
McGuire, Dan
Soltani, Tony

Giuda, J. Brandon
Lauer-Rago, Kathleen
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Ferrante, Beverly
Hagan, Joseph
Introne, Robert
Major, Norman
Murphy, Brian
Perkins, Amy
Reagan, John
Sapareto, Frank
Smith, William
Tasker, Kyle
Ward, Joanne

Allen, Mary
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Garcia, Marilinda
Headd, James
Itse, Daniel
Manuse, Andrew
Okerman, Richard
Perkins, Lawrence
Rice, Frederick
Schroadter, Adam
Sullivan, James
Tremblay, Stella
Webb, James

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
McKinney, Betsy
Packard, Sherman
Quandt, Marshall
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
McMahon, Charles
Pantelakos, Laura
Quandt, Matt
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waddell, James

STRAFFORD

Andolina, Donald
Domingo, Baldwin

Brown, Julie
Groen, Warren

Cataldo, Sam
Leonard, Frederick Jr

DeLemus, Susan
Newton, Clifford

O'Connor, William
Sprague, Dale

Panek, William
Vita, Carol

Parsons, Robbie
Vita, Lucien

Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

LaCasse, Paul Sr

NAYS 153

BELKNAP

Accornero, Harry
Pilliod, James

Bolster, Peter

Comtois, Guy

Millham, Alida

CARROLL

Ahlgren, Christopher

Babson, David Jr

Patten, Betsey

CHESHIRE

Butynski, William
Johnsen, Gladys
Meador, David
Tatro, Bruce

Carr, Daniel
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Theberge, Robert

Merrick, Evalyn

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Christensen, D.L. Chris
Daler, Jennifer
Gidge, Kenneth
Katsiantonis, Thomas
Maltz, Jonathan
Ober, Russell III
Pilotte, Maurice
Rokas, Ted
Soucy, Connie
Ulery, Jordan

Brown, Kevin
Christiansen, Lars
DeJong, Cameron
Gorman, Mary
Lambert, George
McGuinness, Sean
Palmer, Barry
Porter, Marjorie
Rosenwald, Cindy
Souza, Kathleen
Vaillancourt, Steve

Brunelle, Michael
Coffey, James
Gandia, Laura
Infantine, William
Levasseur, Nickolas
Messier, Irene
Palmer, Stephen
Rhodes, Brian
Seidel, Carl
Stepanek, Stephen

Cebrowski, John
Cote, David
Garritty, Patrick
Judy, Jean
Long, Patrick
Ober, Lynne
Parison, James
Robbins, David
Shaw, Barbara
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Foose, Robert
Hoell, J.R.
MacKay, James
Patten, Dick
Shurtleff, Stephen
Winter, Steven

Cohn, Seth
Frazer, June
Kidder, David
McGuire, Carol
Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Kotowski, Frank
Owen, Derek
Rice, Chip
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Palfrey, David
Richardson, Gary
Williams, Robert

ROCKINGHAM

Antosz, Jason
Dowling, Patricia
Mauro, Donna
Peckham, Michele
Schlachman, Donna

Cali-Pitts, Jacqueline
Gould, Kenneth
Moody, Marcia
Powers, James
Sedensky, John

Case, Frank
Katsakiores, Phyllis
Nevins, Chris
Read, Robin Jr
Serlin, Christopher

DiPentima, Rich
Lovejoy, Patricia
Norelli, Terie
Reichard, Kevin
Welch, David

STRAFFORD

Berube, Roger
Hooper, Dorothea
Kaen, Naida
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Keans, Sandra
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Jones, Kyle
Larsen, Kirsten
Schmidt, Peter
Watters, David

Grassie, Anne
Jones, Laura
Munck, Philip
Spainhower, Dale

SULLIVAN

Cloutier, John
Lovett, Charlene
and the motion was adopted.

Gagnon, Raymond
Schmidt, Andrew

Laware, Thomas

Lefebvre, Benjamin

HB 478-FN-L, relative to testimony by video teleconference. (Amendment printed SJ 5-25-11)
Rep. Swinford moved that the House concur and spoke in favor.
Adopted.

HB 119, relative to agency membership on the information technology council. (Amendment printed SJ 5-25-11)
Rep. Carol McGuire moved that the House nonconcur and spoke in favor.
Adopted.

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. (Amendment printed SJ 6-1-11)
Rep. Carol McGuire moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Hawkins, Carol Vita, Carol McGuire and Hansen.

HB 355, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations. (Amendment printed SJ 5-25-11)
Rep. Carol McGuire moved that the House concur and spoke in favor.
Adopted.

**NONCONCURS WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE**

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act.

The President appointed Sens. Merrill, White and Luther.

Rep. Carol McGuire moved that the House accede.

Adopted.

The Speaker appointed Reps. Carol McGuire, Whitehead, Sytek and Pilotte.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 489-FN, establishing a health information organization corporation. (Amendment printed SJ 6-1-11)

Rep. Reagan moved that the House concur and spoke in favor.

Adopted.

HB 141, relative to protected utility services. (Amendment printed SJ 6-1-11)
Rep. Rowe moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Sorg, McClarren, Giuda and LaCasse.
Rep. Mirski declared a conflict of interest and did not participate.

HB 173, relative to service of process on commercial tenants. (Amendment printed SJ 5-25-11)
Rep. Rowe moved that the House concur and spoke in favor.
Adopted.

HB 511, relative to retired judges over 70 years of age. (Amendment printed SJ 6-1-11)
Rep. Rowe moved that the House concur and spoke in favor.
Adopted.

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. (Amendment printed SJ 6-1-11)

Reps. James Garrity and Weyler moved that the House nonconcur and request a Committee of Conference.

Rep. Kaen spoke against.

Rep. James Garrity spoke in favor and yielded to questions.

On a division vote, 235 members having voted in the affirmative and 94 in the negative, the motion was adopted.

The Speaker appointed Reps. James Garrity, Holden, Cataldo and Richard Barry.

(Rep. Bettencourt in the Chair)

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

The President appointed Sens. Luther, Larsen and D'Allesandro.

Rep. Stepanek moved that the House accede.

Adopted.

The Speaker appointed Reps. Hess, Russell Ober, Keith Murphy and Daugherty.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. (Amendment printed SJ 6-1-11)

Rep. Stepanek moved that the House concur and spoke in favor.

Rep. Almy spoke against.

Rep. Sapareto requested a roll call; sufficiently seconded.

YEAS 265 NAYS 94

**YEAS 265
BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Hunt, John
Tatro, Bruce

Cartwright, Anne
Johnson, Jane

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbreton, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard

Balboni, Michael
Belanger, James

Ball, J. Michael
Belvin, William

Barry, J. Gail
Boehm, Ralph

Brown, Kevin
Campbell, David
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Robbins, David
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Brownrigg, Randall Jr
Cebrowski, John
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Rokas, Ted
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve

Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gimas, John
Hansen, Peter
Hinch, Richard
Hopper, Gary
Katsiantonis, Thomas
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Ramsey, Peter
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Scontsas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McDonnell, John
Richardson, Jon
Soltani, Tony

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie

Cox, Sean
Kidder, David
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Waddell, James
Weyler, Kenneth

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Duarte, Joe
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Antosz, Jason
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Major, Norman
McMahon, Charles
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tremblay, Stella
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Devine, James
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Larsen, Kirsten
O'Connor, William
Sprague, Dale
Weeden, Michael

Brown, Julie
Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Carol

Cataldo, Sam
Jones, Kyle
Munck, Philip
Parsons, Robbie
Vita, Lucien

DeLemus, Susan
Jones, Laura
Newton, Clifford
Pitre, Joseph
Watters, David

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

**NAYS 94
BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Judy, Jean
Pilotte, Maurice
Shaw, Barbara

Brunelle, Michael
Gidge, Kenneth
Kurk, Neal
Porter, Marjorie
Sullivan, Daniel

Cote, David
Goley, Jeffrey
Levasseur, Nickolas
Rhodes, Brian

Daler, Jennifer
Gorman, Mary
Long, Patrick
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Read, Robin Jr

DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Gould, Kenneth
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

STRAFFORD

Berube, Roger
Hooper, Dorothea
Roberts, Jenna
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Schmidt, Peter

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale

Grassie, Anne
Pelletier, Marsha
Spang, Judith

SULLIVAN

Cloutier, John
and the motion was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

The House recessed at 2:45 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 3:15 p.m.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil. (Amendment printed SJ 6-1-11)

Reps. Rowe and Balboni moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Sorg, Giuda, Weber and Boehm.

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed. (Amendment printed SJ 6-1-11)

Rep. Balboni moved that the House nonconcur and request a Committee of Conference.

Rep. Balboni spoke in favor.

Rep. Gile spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 246 NAYS 105**YEAS 246****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Morrow, Harry
Tregenza, Norman

Babson, David Jr
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

McConkey, Mark
Schmidt, Stephen

CHESHIRE

Byrnes, John
Lindsey, Steven

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbreton, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr
White, Andrew

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald

Balboni, Michael
Belanger, James
Burt, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan

Ball, J. Michael
Belvin, William
Buxton, Michael
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hopper, Gary
Kurk, Neal
Marcus, Bruce

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McCarthy, Michael

McClarren, Donald
 Moran, Edward
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Scontsas, Lisa
 Soucy, Connie
 Swank, Matthew
 Vaillancourt, Steve
 Willette, Robert

McGuinness, Sean
 Murphy, Keith
 Palmer, Barry
 Pepino, Leo
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Terrio, Ross
 Villeneuve, Moe

Mecheski, Holly
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Robbins, David
 Silva, Peter
 Stroud, Kathleen
 Twombly, Timothy
 Warden, Mark

Messier, Irene
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Rowe, Robert
 Simmons, Tammy
 Summers, James
 Ulery, Jordan
 Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Kotowski, Frank
 Lockwood, Priscilla
 Palfrey, David
 Smith, Molly

Coffey, Jennifer
 Hess, David
 Kreis, Kenneth Sr
 McDonnell, John
 Richardson, Jon
 Soltani, Tony

Cohn, Seth
 Hill, Gregory
 Lauer-Rago, Kathleen
 McGuire, Carol
 Sanborn, Laurie
 Winter, Steven

Cox, Sean
 Hoell, J.R.
 Lindsley, Mark
 McGuire, Dan
 Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Birdsell, Regina
 Copeland, Timothy
 Duarte, Joe
 Gould, Kenneth
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 McMahon, Charles
 Packard, Sherman
 Quandt, Marshall
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tucker, Pamela
 Welch, David

Allen, Mary
 Bates, David
 Brown, Paul
 Davenport, Joshua
 Ferrante, Beverly
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Murphy, Brian
 Peckham, Michele
 Quandt, Matt
 Ritter, Glenn
 Sheffert, Kenneth
 Sytek, John
 Waddell, James
 Weyler, Kenneth

Antosz, Jason
 Belanger, Ronald
 Case, Frank
 Devine, James
 Garcia, Marlinda
 Hagan, Joseph
 Itse, Daniel
 Manuse, Andrew
 Nevins, Chris
 Perkins, Amy
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tamburello, Daniel
 Ward, Joanne

Azarian, Gary
 Bettencourt, David
 Comerford, Timothy
 Dowling, Patricia
 Garrity, James
 Headd, James
 Kappler, Lawrence
 Mauro, Donna
 Okerman, Richard
 Perkins, Lawrence
 Reichard, Kevin
 Sapareto, Frank
 Smith, William
 Tremblay, Stella
 Webb, James

STRAFFORD

Andolina, Donald
 Groen, Warren
 Munck, Philip
 Pitre, Joseph

Berube, Roger
 Jones, Kyle
 Newton, Clifford
 Roberts, Jenna

Cataldo, Sam
 Jones, Laura
 O'Connor, William
 Vita, Lucien

DeLemus, Susan
 Larsen, Kirsten
 Parsons, Robbie
 Weeden, Michael

SULLIVAN

Bowers, Spec
 Laware, Thomas

Cunningham, Steven
 Osgood, Joe

Howard, Thomas
 Rodeschin, Beverly

LaCasse, Paul Sr
 Smith, Steven

NAYS 105

BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
 Hawkes, Samuel
 Meader, David
 Tatro, Bruce

Carr, Daniel
 Johnsen, Gladys
 Parkhurst, Henry
 Weber, Lucy

Chase, Cynthia
 Johnson, Jane
 Roberts, Kris
 Weed, Charles

Emerson, Susan
 Lerandeau, Alfred
 Sad, Tara

COOS

Coulombe, Gary	Merrick, Evalyn	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Simard, Paul	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles			

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Daler, Jennifer	Garrity, Patrick	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gorman, Mary	Jeady, Jean	Katsiantonis, Thomas
Levasseur, Nickolas	Long, Patrick	Pilotte, Maurice	Porter, Marjorie
Ramsey, Peter	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara	Sullivan, Daniel	Thomas, Joseph	

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Frazer, June
Gile, Mary	Hamm, Christine	Kidder, David	MacKay, James
Owen, Derek	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	Charron, Gene	DeSimone, Debra	DiPentima, Rich
Lovejoy, Patricia	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Powers, James	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher

STRAFFORD

Brown, Julie	Browne, Brendon	Domingo, Baldwin	Ginsburg, Philip
Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Pelletier, Marsha	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the motion was adopted.
The Speaker appointed Reps. Balboni, Pitre, Hill and Flanagan.

HB 130, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education. (Amendment printed SJ 6-1-11)
Rep. Balboni moved that the House concur and spoke in favor.
Adopted.

HB 67, expanding the duties of the school administrative unit oversight committee. (Amendment printed SJ 4-13-11)
Rep. Balboni moved that the House nonconcur and spoke in favor.
Adopted.

HB 136-FN, repealing the uniform athlete agents act. (Amendment printed SJ 6-1-11)
Rep. Carol McGuire moved that the House nonconcur and spoke in favor.
Adopted.

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces. (Amendment printed SJ 6-1-11)
Rep. Carol McGuire moved that the House concur and spoke in favor.
Adopted.

HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission. (Amendment printed SJ 6-1-11)

Rep. Carol McGuire moved that the House concur and spoke in favor.
Adopted.

Rep. Panek declared a conflict of interest and did not participate.

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. (Amendment printed SJ 6-1-11)

Rep. Lynne Ober moved that the House concur and spoke in favor.
Adopted.

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs. (Amendment printed SJ 6-1-11)

Reps. Baldasaro and Itse moved that the House concur.

Rep. Sorg spoke in favor.

Rep. Theberge spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 243 NAYS 110

YEAS 243

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey

Bolster, Peter
Greemore, Robert
Pilliod, James
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Hunt, John

Cartwright, Anne
Johnson, Jane

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbreton, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith

Balboni, Michael
Belanger, James
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Graham, John
Hawkins, Kenneth
Hogan, Timothy

Ball, J. Michael
Belvin, William
Buxton, Michael
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Haefner, Robert
Hikel, John
Holden, Frank

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hopper, Gary

Hutchinson, Winfred
Lambert, George
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Jasper, Shawn
LeBrun, Donald
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Proulx, Mark
Scoutsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

Krasucki, Joseph
Levasseur, Nickolas
McClarren, Donald
Moran, Edward
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Kurk, Neal
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian

Cohn, Seth
Hill, Gregory
Lindsley, Mark
Palfrey, David
Smith, Molly

Cox, Sean
Hoell, J.R.
McDonnell, John
Richardson, Jon
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Major, Norman
Murphy, Brian
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Webb, James

Antosz, Jason
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Schroadtter, Adam
Sullivan, James
Tremblay, Stella
Welch, David

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sytek, John
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Vita, Carol

DeLemus, Susan
Jones, Laura
O'Connor, William
Vita, Lucien

Domingo, Baldwin
Larsen, Kirsten
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 110 BELKNAP

Millham, Alida

None

CARROLL

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOSCoulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTONAguiar, James
Gould, Franklin
Pierce, David
White, AndrewAlmy, Susan
Harding, Laurie
Smith, SuzanneBenn, Bernard
Nordgren, Sharon
Taylor, KathleenCooney, Mary
Pastor, Beatriz
Townsend, Charles**HILLSBOROUGH**Baroody, Benjamin
Daler, Jennifer
Goley, Jeffrey
Long, Patrick
Rokas, TedBrunelle, Michael
Garrity, Patrick
Gorman, Mary
Pilotte, Maurice
Rosenwald, CindyCampbell, David
Gidge, Kenneth
Jeuzy, Jean
Porter, Marjorie
Shaw, BarbaraCote, David
Gimas, John
Katsiantonis, Thomas
Rhodes, Brian
Sullivan, Daniel**MERRIMACK**Bouchard, Candace
Frazer, June
Lauer-Rago, Kathleen
Patten, Dick
Shurtleff, StephenDeloge, Helen
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Wallner, Mary JaneDeStefano, Stephen
Hamm, Christine
MacKay, James
Rice, Chip
Watrous, RickFoose, Robert
Kidder, David
Owen, Derek
Richardson, Gary
Williams, Robert**ROCKINGHAM**Cali-Pitts, Jacqueline
Gould, Kenneth
Pantelakos, Laura
Read, Robin JrCase, Frank
Lovejoy, Patricia
Perkins, Amy
Schlachman, DonnaDiPentima, Rich
Moody, Marcia
Perkins, Lawrence
Serlin, ChristopherDowling, Patricia
Norelli, Terie
Powers, James
Waddell, James**STRAFFORD**Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, DavidBrown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spang, JudithBrowne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, DaleGinsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet**SULLIVAN**Cloutier, John
and the motion was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NONCONCURS WITH AMENDMENT**REQUESTS COMMITTEE OF CONFERENCE****SB 115**, relative to observing voter check-in.

The President appointed Sens. Barnes, Boutin and Merrill.

Rep. Bates moved that the House refuse to accede and spoke in favor.

Adopted.

MOTION TO CONSIDER VETO

Pursuant to House Rule 57, Rep. Shurtleff moved that the House consider the Governor's veto message on **HB 474-FN**, relative to freedom of choice on whether to join a labor union.
The Speaker ruled the motion out of order.

SENATE MESSAGES (CONT'D)**NONCONCURS WITH AMENDMENT****REQUESTS COMMITTEE OF CONFERENCE****SB 193**, relative to nomination of political organizations.

The President appointed Sens. Boutin, Forrester and Merrill.

Rep. Bates moved that the House refuse to accede, spoke in favor and yielded to questions. On a division vote, 240 members having voted in the affirmative and 97 in the negative, the motion was adopted.

SB 183-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

The President appointed Sens. Rausch, Stiles and Kelly.

Rep. Lynne Ober moved that the House refuse to accede and spoke in favor.
Adopted.

SB 50, making various changes to laws regulating trusts and trust companies.

The President appointed Sens. Bradley, White and D'Allesandro.

Reps. Hunt and Rowe moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Jennifer Coffey, McClarren and Schlachman.

SB 162-FN, relative to federal health care reform 2010.

The President appointed Sens. White, Forrester and Houde.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Flanders, Manuse and Taylor.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

The President appointed Sens. Groen, Luther and Houde.

Rep. Swinford moved that the House accede.

Adopted.

The Speaker appointed Reps. Welch, Kreis, Gagne and Shurtleff.

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

The President appointed Sens. Boutin, Groen and Houde.

Rep. Swinford moved that the House accede.

Adopted.

The Speaker appointed Reps. Kreis, Welch, Gagne and Shurtleff.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

The President appointed Sens. Houde, Groen and Luther.

Rep. Swinford moved that the House accede.

Adopted.

The Speaker appointed Reps. Swinford, Kreis, Gagne and Welch.

SB 45, relative to criteria for designation as a Granite State scholar.

The President appointed Sens. Stiles, Forsythe and D'Allesandro.

Rep. Balboni moved that the House accede.

Adopted.

The Speaker appointed Reps. Balboni, Ladd, Boehm and Gile.

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund.

The President appointed Sens. Stiles, Forsythe and Kelly.

Rep. Balboni moved that the House accede.

Adopted.

The Speaker appointed Reps. Balboni, Fleck, Lauer-Rago and Gile.

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

The President appointed Sens. Stiles, Forsythe and Kelly.

Rep. Balboni moved that the House accede.

Adopted.

The Speaker appointed Reps. Balboni, Boehm, Hill and Gile.

SB 68, relative to records of disciplinary actions taken by the electricians' board.
The President appointed Sens. Gallus, Luther and Larsen.
Rep. Carol McGuire moved that the House accede.
Adopted.

The Speaker appointed Reps. Hawkins, Sytek, Hansen and Bowers.

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

The President appointed Sens. Carson, Luther and Larsen.
Rep. Carol McGuire moved that the House accede.
Adopted.

The Speaker appointed Reps. Carol McGuire, Hawkins, Winter and Daniel Sullivan.

SB 12, relative to screening panels for medical injury claims.

The President appointed Sens. Houde, Groen and Luther.
Rep. Rowe moved that the House accede.
Adopted.

The Speaker appointed Reps. Rowe, Weber, Peterson and Barry Palmer.

SB 70, relative to remedies in landlord-tenant actions.

The President appointed Sens. Prescott, De Blois and D'Allesandro.
Rep. Rowe moved that the House accede.
Adopted.

The Speaker appointed Reps. Giuda, Sorg, McClarren and Rowe.

SB 75-FN, relative to clarification of part-time service in the state retirement system.

The President appointed Sens. Groen, Bradley and Larsen.
Reps. Hawkins and Weyler moved that the House accede.
Adopted.

The Speaker appointed Reps. Hawkins, Cohn, Winter and Shuler.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 74, 109, 190, 205, 316, 329, 347, 392, 398, 409, 424, 468, 487, 579, 635 and 642 and Senate Bills numbered 22, 30, 34, 42, 56, 65, 86, 100, 139 and 176.

Rep. Kidder, Sen. Prescott for the Committee

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time and when the House adjourns today, it be to meet Wednesday, June 22, 2011 at 10:00 a.m.
Adopted.

UNANIMOUS CONSENT

Rep. Gonzalez addressed the House.

MOTION TO PRINT REMARKS

Rep. Tucker moved that the remarks made by Rep. Gonzalez be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Gonzalez: Thank you, Mister Speaker. Rest in peace Governor Walter Peterson. Your legacy will always be in the spirit of the many you touched in New Hampshire. As I come to share with you about the life of Governor Peterson, please allow me to share this with you all.

There is a time for everything and activity under Heaven: a time to hate and a time to love; a time to be born and a time to die; a time to plant and a time to harvest; a time to be sad and a time to be happy; a time to tear and a time to mend; a time to be silent and a time to speak.

Today I come to you to talk about my father-in-law, a grandpa, a father and a friend. I called him my 2nd father. I am originally from the Dominican Republic and became a citizen of the United

States in 1990. My family is a first generation family as many families who came as immigrants before me to the United States. I am the only one of all of my family in the USA. I met Meg Peterson, daughter of Governor Peterson at the University of New Hampshire in 1987. I did not know she was the Governor's daughter. We became boyfriend/girlfriend and talked about marriage, but I told her I could not get married unless I met her family. She then agreed and brought me to meet her family. I met Governor Peterson and Mrs. Dorothy Peterson and the moment I met them I knew they loved me, and then I got married to their daughter. Family for me was as important as to Governor Peterson then. When he passed away he was married to Dorothy for 60 years. However, that was not the case for me and their daughter. After 9 years we got divorced. With their help I tried to save my family, but I soon realized that I had to let her go and divorce became a reality. It was summer when it happened. I was a teacher. I did not have a job then. Close as I was with Governor Peterson, I kept him informed. I did not know what would happen to me in another country with no one to help me, no money, no job, no friends and no place to live. I asked God to help me stay in the United States so I could be a good father to our boys, Sam, Marc and Max. God did answer my prayers, for my number one friend by God's design was Governor Walter Peterson, the grandfather of my boys. For both of us family and love for our families was then as it is today, very important. He knew I did not want a divorce. He knew I was in trouble with no job and no money then, so he not only assisted me with my rent, but he bought me a TV set and VCR in a small apartment where he helped me move. He told me, "Do not tell my daughter I am helping you. I do not want her angry with me." He told me, "Carlos, this TV will be your friend. It will keep your mind busy for you do not have any friends in New Hampshire, but me." So he went to tell me, "Keep in touch, I will always be with you if you need me." I lived then in Ashland, New Hampshire, a small town with no diversity. He told me, "You need to move to Manchester where you will find diversity and meet people like you." So I moved to Manchester in 1991. He was right. I then became a politician with his help and that of Executive Councilor and Mayor Ray Wiecezorek. I became the first ever elected Hispanic/Latino State Representative in New Hampshire. I also ran for mayor of the city in 1993 and for welfare commissioner. Each time I won the primaries. Through the ups and downs of life, Governor Peterson was behind me, supporting and encouraging me to keep going so I could be a good father figure to his grandchildren. Three weeks ago I saw him in good spirits fighting lung cancer. Little did I know he was going to pass away so soon. So today and as a summary of who he was in life, I share this with all of you on what love for Governor Peterson was.

Love. If I give all I have to the poor but have not love; I gain nothing. Love is patient, love is kind. It does not envy or boast. It is not proud. It's not self-seeking, it's not easily angered. It keeps no records of wrongs. Love does not delight in evil but rejoices with the truth. Always hopes, always perseveres. Love never fails. Now of all these three remain: faith, hope and love. But the greatest of these is love.

That is how and who Governor Peterson was; always loving towards all. My father-in-law, Governor Walter Peterson, rest in peace. I know you are with God where you will continue helping and loving others. God bless you and your family and the great state of New Hampshire.

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

The President appointed Sens. Morse, Odell and D'Allesandro.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

The President appointed Sens. Morse, Odell and D'Allesandro.

HB 25-FN-A, making appropriations for capital improvements.

The President appointed Sens. Boutin, Rausch and Larsen.

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

RECESS MOTION

Rep. Jasper moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference.

Adopted.

The House recessed at 4:45 p.m.

RECESS

(Speaker O'Brien in the Chair)

ENROLLED BILL AMENDMENT

SB 3-FN-L, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement. (Amendment printed SJ 6-8-11)

Adopted.

SENATE MESSAGES**ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

HB 131, relative to indemnification of volunteers performing duties in the state park system. The President appointed Sens. Forrester, Gallus and Merrill.

HB 141, relative to protected utility services.

The President appointed Sens. Carson, Forsythe and Kelly.

HB 248, establishing a commission to study business regulations in New Hampshire.

The President appointed Sens. Sanborn, De Blois and Kelly.

HB 337-FN-L, relative to the calculation and distribution of adequate education grants.

The President appointed Sens. Stiles, Rausch and Kelly.

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

The President appointed Sens. Odell, Groen and D'Allesandro.

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

The President appointed Sens. Stiles, Groen and Kelly.

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

The President appointed Sens. White, Groen and Larsen.

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

The President appointed Sens. Bradley, Lambert and Merrill.

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

The President appointed Sens. Stiles, Forsythe and Kelly.

HB 601-FN, relative to implementation of federal health care reform.

The President appointed Sens. White, Forrester and Houde.

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

The President appointed Sens. Sanborn, De Blois and Kelly.

CONCURRENCE WITH AMENDMENTS

SB 2, relative to adoption of tax caps by cities, towns, and other political subdivisions.

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions.

SB 51, relative to the establishment of an inter-departmental team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies.

SB 64, removing the oath requirement for class B misdemeanor criminal complaints filed by police officers.

SB 67, establishing a committee to study the implementation of an education tax credit plan in New Hampshire.

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district.

SB 93, relative to pharmacist administration of vaccines.

SB 97, relative to the application of the community revitalization tax relief incentive.

SB 120, relative to alcoholic beverage advertising restrictions.

SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund.

SB 144, relative to approvals for site plans and subdivision of land.

SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process.

SB 151-FN, relative to contracts of the department of health and human services.

SB 154-FN, reforming and renaming the comprehensive shoreland protection act and repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician.

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association.

SB 189, relative to the definition of mortgage loan originator.

SB 194, relative to the transfer of real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire and relative to the tax exempt status of real estate and personal property owned by the community college system of New Hampshire.

NONCONCURRENCE WITH AMENDMENTS

SB 172, relative to performance-based school accountability criteria.

RECESS

(Rep. Bettencourt in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 51, 52, 175, 218, 276, 322, 381, 505, 565 and 585 and Senate Bills numbered 21, 37, 58, 99, 116, 125, 129, 135, 154, 156, 157, 170 and 194.

Rep. Baldasaro, Sen. Sanborn for the Committee

RECESS

(Rep. Baldasaro in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 3.

Rep. Baldasaro, Sen. Sanborn for the Committee

CONFEEEE CHANGES

HB 337-FN-L, relative to the calculation and distribution of adequate education grants.

Rep. Daniels replaced Rep. Lynne Ober.

First named House member becomes Rep. Hess.

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

Rep. Warden replaced Rep. Gagne.

Rep. Bettencourt replaced Rep. Welch.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

Rep. Bettencourt replaced Rep. Welch.

SB 12-FN, relative to screening panels for medical injury claims.

Rep. Giuda replaced Rep. Weber.

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

Rep. Winter replaced Rep. Carol McGuire.

Rep. Kurk replaced Rep. Hawkins.

Rep. Bowers replaced Rep. Carol Vita.

RECESS

(Rep. Renzullo in the Chair)

ENROLLED BILL AMENDMENTS

HCR 9, urging the President and Congress to address the privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by the Transportation Security Agency at the nation's airports.

Amendment (2295-EBA)

Amend the resolution by replacing line 2 of the second paragraph after the resolving clause with the following:

senate president, be forwarded by the house clerk to the Speaker of the United States House of Adopted.

HB 191, relative to the community mental health system.

Amendment (2304-EBA)

Amend RSA 135-C:2, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. "Advanced practice registered nurse" or "APRN" means an advanced practice registered nurse licensed by the board of nursing who is *certified as a psychiatric mental health nurse practitioner by a board-recognized national certifying body* [specialist and who has at least 2 years' experience as an advanced practice registered nurse working with individuals who have mental illness, as defined in paragraph X of this section, and who meets any other criteria specified in rules adopted by the department].

Adopted.

CONFEREES CHANGES

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

Rep. Swinford replaced Rep. Shurtleff.

HB 337-FN-L, relative to the calculation and distribution of adequate education grants.

Rep. Lynne Ober replaced Rep. Hess.

RECESS

(Speaker O'Brien in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 590 and Senate Bills numbered 67 and 151.

Rep. Kidder, Sen. Prescott for the Committee

RECESS

(Rep. Bettencourt in the Chair)

ENROLLED BILL AMENDMENT

SB 2, relative to adoption of tax caps by cities, towns, and other political subdivisions. (Amendment printed SJ 6-8-11)
Adopted.

RECESS

(Rep. Ball in the Chair)

ENROLLED BILL AMENDMENTS

SB 97, relative to the application of the community revitalization tax relief incentive. (Amendment printed SJ 6-8-11)
Adopted.

SB 120, relative to alcoholic beverage advertising restrictions. (Amendment printed SJ 6-8-11)
Adopted.

SB 189, relative to the definition of mortgage loan originator. (Amendment printed SJ 6-8-11)
Adopted.

RECESS

(Rep. Jasper in the Chair)

ENROLLED BILL AMENDMENTS

SB 51, relative to the establishment of an inter-departmental team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. (Amendment printed SJ 6-8-11)
Adopted.

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies. (Amendment printed SJ 6-8-11)
Adopted.

RECESS

(Rep. Tucker in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 82, 147, 173, 187, 191, 355, 478, 511, 623 and 650 and Senate Bills numbered 28, 64, 82, 93, 98, 144 and 146.

Rep. Kidder, Sen. Prescott for the Committee

RECESS

(Speaker O'Brien in the Chair)

Rep. Tucker moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 22

Wednesday, June 22, 2011

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Search us, O God, and know our hearts today. As we draw near to the two hundred thirty fifth year of National Independence we ask that You bless these men and women who are here again to establish the laws which secure the solid foundation for political order and to make the hard choices to delete those that do not. Help them to keep vigilant over our human rights, acknowledged in the founding of this great nation and state, but not infinitely malleable or to be abused, for eternal vigilance is the price of liberty. Each of these representatives are a sign of the most deeply felt universal human drives, ambitions and desires of our people. Under the tolerance of our constitution, we acknowledge the need for Your guidance, Lord, for without You our feet are clay, and, in addition, the order of liberty obligates a profound respect for You, Nature's God, You, who compel us to establish good law and use common sense. Press us forward, then, without sentimentalism, but with courage, to bring confidence in our governing to the people, that their life plans will be meaningful and that the common good will be protected. We always remember those of the chamber in the hospital and their families who are ill as well as our active duty men and women. Keep them safe and give them healing. Out of the many we are one, if not by birth, then by commitment, and we still, confidently assert that we are one nation, under God, with liberty and justice for all. Therefore, help us to bear good fruit this day. Help us to work together with the best displays of leadership. Bless us with the wisdom needed to sustain the life-force which You, O Lord, have forged and delivered as a free gift to all of us who are the true, the grateful, and the free. We ask this in Your name. Amen.

Representative Derek Owen, member from Hopkinton, led the Pledge of Allegiance.

Representative Kevin Avard of Nashua led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Hofemann, Lerandeau, Michael Reed and Sad, the day, illness.

Reps. Foose, Lauer-Rago, Leonard, Bruce MacMahon, Panek, Schroadter, Tasker and Worsman, the day, important business.

Rep. Sapareto, the day, death in the family.

INTRODUCTION OF GUESTS

Clark and Jan Lindley, guests of Rep. Chip Rice. Mary Beth Spainhower and R. Scott Beaumont, wife and brother-in-law of Rep. Spainhower. Franziska Bahl and Ruth Owen, guest and wife of Rep. Owen. Ed and Betty Dotterweich, mother and father-in-law of Rep. Proulx.

INTRODUCTION OF SPECIAL GUESTS

Members and coach of the Portsmouth High School Baseball team, division II State Champions; members and coach of the Portsmouth High School Girl's Lacrosse team, division II State Champions; and members and instructor of the Portsmouth High School Percussion Ensemble, winners of the open class division at the Winter Guard International Percussion World Championships.

The Speaker introduced the Honorable Pam Coughlin, former member from Mont Vernon and Hillsborough County Register of Deeds and Derry District Court Justice, the Honorable John Coughlin and parents of Rep. Coughlin. Judge Coughlin is home on leave from service to our country in Iraq.

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

COMMITTEE OF CONFERENCE REPORT ON SB 12-FN

Committee of Conference Report on SB 12-FN, an act relative to screening panels for medical injury claims.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 519-B:13, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The committee shall make a final report of its findings about medical liability insurance rates and the mandatory panel process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2013. The report shall include a recommendation to terminate, continue, or amend RSA 519-B.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect December 31, 2013.

II. The remainder of this act shall take effect 60 days after its passage.

Conferees: Sens. Houde, Dist. 5; Groen, Dist. 6; and Luther, Dist. 12.

Conferees: Reps. Rowe, Hills. 6; Giuda, Merr. 7; Peterson, Hills. 19; and Barry Palmer, Hills. 26.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 33-FN

Committee of Conference Report on SB 33-FN, an act relative to retired state employee contributions for medical benefits costs.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Carson, Dist. 14; Groen, Dist. 6; and D'Allesandro, Dist. 20.

Conferees: Reps. Carol McGuire, Merr. 8; Pilote, Hills. 16; Winter, Merr. 3; and Bowers, Sull. 3. Rep. Carol McGuire spoke against.

Committee of Conference Report failed.

MOTION TO SUSPEND HOUSE RULES

Rep. Carol McGuire moved that House Rules be so far suspended as to allow formation of a new Committee of Conference, sign off and consideration after the deadline on **SB 33**, relative to retired state employee contributions for medical benefits costs.

On a division vote, 258 members having voted in the affirmative and 97 in the negative, the motion was adopted by the necessary two-thirds vote.

The Speaker appointed Reps. Carol McGuire, Pilote, Winter and Bowers.

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS (CONT'D)

COMMITTEE OF CONFERENCE REPORT ON SB 45

Committee of Conference Report on SB 45, an act relative to criteria for designation as a granite state scholar.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 188-D:39, I as inserted by section 1 of the bill by replacing it with the following:

I. The granite state scholar designation shall be made for any New Hampshire resident who graduates in the top 10 percent of his or her class from an accredited *or approved* New Hampshire high school, and who receives a combined score ~~[of 1200 or more]~~ *equaling at least 75 percent of the maximum possible score* on the Scholastic Aptitude Test I, or the equivalent score on ~~[the ACT Assessment examination]~~ *another nationally recognized and norm referenced assessment recognized by the department of education for the purpose of granting granite state scholar designation*. The granite state scholar designation shall be determined using class rank and standardized test scores taken no later than January 31 of the student's senior year in high school.

Conferees: Sens. Stiles, Dist. 24; Forsythe, Dist. 4; and D'Allesandro, Dist. 20.

Conferees: Reps. Balboni, Hills. 21; Ladd, Graf. 5; Boehm, Hills. 27; and Gile, Merr. 10.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 50

Committee of Conference Report on SB 50, an act making various changes to laws regulating trusts and trust companies.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 564-B:12-1206(e) as inserted by section 14 of the bill by replacing it with the following:

(e) Nothing in this section shall limit the authority of the director of charitable trusts or the department of health and human services provided by common law or other statute.

Amend RSA 564-B:10-1005 as inserted by section 11 of the bill by inserting after paragraph (d) the following new paragraph:

(e) Nothing in this section shall limit the authority of the director of charitable trusts or the department of health and human services otherwise provided by common law or other statute.

Amend RSA 564:19 as inserted by section 5 of the bill by inserting after paragraph V the following new paragraph:

VI. Nothing in this section shall limit the authority of the director of charitable trusts or the department of health and human services otherwise provided by common law or other statute.

Conferees: Sens. Bradley, Dist. 3; White, Dist. 9; and D'Allesandro, Dist. 20.

Conferees: Reps. Hunt, Ches. 7; Jennifer Coffey, Merr. 6; McClarren, Hills. 21; and Schlachman, Rock. 13.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 52-FN

Committee of Conference Report on SB 52-FN, an act excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees: Sens. Groen, Dist. 6; Luther, Dist. 12; and Houde, Dist. 5.

Conferees: Reps. Bettencourt, Rock. 4; Kreis, Merr. 6; Gagne, Hills. 13; and Swinford, Belk. 5.

Rep. Shurtleff spoke against.

Rep. Bettencourt spoke in favor.

Rep. Pierce requested a roll call; sufficiently seconded.

YEAS 270 NAYS 100**YEAS 270****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
Marcus, Bruce
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Flanagan, Jack
Gargaszy, Carolyn
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McCarthy, Michael
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Proulx, Mark
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belanger, James
Brown, Kevin
Champagne, Norma
Condra, William
Day, Russell
Drisko, Richard
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Katsiantonis, Thomas
Levasseur, Nickolas
McClarren, Donald
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Belvin, William
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Russell III
Parison, James
Pilotte, Maurice
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Coffey, Jennifer
Hess, David
Kidder, David
Lockwood, Priscilla
Reed, Dennis
Smith, Molly

Cohn, Seth
Hill, Gregory
Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

Cox, Sean
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Perkins, Amy

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McMahon, Charles
Oligny, Jeffrey
Perkins, Lawrence

Antosz, Jason
Belanger, Ronald
Case, Frank
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Packard, Sherman
Quandt, Marshall

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Peckham, Michele
Quandt, Matt

Reagan, John
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Reichard, Kevin
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Waddell, James
Weyler, Kenneth

Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Larsen, Kirsten
O'Connor, William
Vita, Carol

Brown, Julie
Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie
Vita, Lucien

Cataldo, Sam
Jones, Kyle
Munck, Philip
Pitre, Joseph
Weeden, Michael

DeLemus, Susan
Jones, Laura
Newton, Clifford
Sprague, Dale

SULLIVAN

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 100

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Johnsen, Gladys
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Emerson, Susan
Meader, David
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Taylor, Kathleen

Benn, Bernard
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Goley, Jeffrey
Long, Patrick
Rokas, Ted

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Messier, Irene
Rosenwald, Cindy

Campbell, David
Gidge, Kenneth
Judy, Jean
Porter, Marjorie
Shaw, Barbara

Cote, David
Gimas, John
Kurk, Neal
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
MacKay, James
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Owen, Derek
Rice, Chip
Watrous, Rick

Frazer, June
Palfrey, David
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura
Serlin, Christopher

Charron, Gene
Moody, Marcia
Powers, James
Sytek, John

DiPentima, Rich
Nevens, Chris
Read, Robin Jr
Welch, David

Gould, Kenneth
Norelli, Terie
Schlachman, Donna

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 53-FN

Committee of Conference Report on SB 53-FN, an act relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-4 to read as 2-5, respectively:

1 New Paragraph; Nurse Practice Act; Definitions. Amend RSA 326-B:2 by inserting after paragraph VII the following new paragraph:

VII-a. "Nurse" means a person authorized to practice nursing and who holds a current license to provide care as an APRN, RN, or LPN.

AMENDED ANALYSIS

This bill adds a definition for nurse and clarifies the nursing assistant registry administered by the board of nursing.

Conferees: Sens. Luther, Dist. 12; Larsen, Dist. 15; and D'Allesandro, Dist. 20.

Conferees: Reps. Hess, Merr. 9; Russell Ober, Hills. 27; Keith Murphy, Hills. 18; and Daugherty, Coos 1.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 68

Committee of Conference Report on SB 68, an act relative to records of disciplinary actions taken by the electricians' board.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 319-C:12, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The board shall retain the record of an action taken in a disciplinary proceeding under this section for 7 years from the date of final decision of the action and shall not consider such disciplinary action more than 7 years after the final decision in any future disciplinary proceeding concerning the same licensee.

AMENDED ANALYSIS

This bill requires that records of actions taken in disciplinary proceedings by the electricians' board shall not be considered after 7 years.

Conferees: Sens. Gallus, Dist. 1; Luther, Dist. 12; and Larsen, Dist. 15.

Conferees: Reps. Hawkins, Hills. 18; Sytek, Rock. 4; Hansen, Hills. 6; and Bowers, Sull. 3.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 70-FN

Committee of Conference Report on SB 70-FN, an act relative to remedies in landlord-tenant actions.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Repeal. RSA 540:1-b, IV, relative to the civil penalty for landlord agents, is repealed.

AMENDED ANALYSIS

This bill:

I. Reduces the number of days a landlord is required to store a tenant's abandoned property.

II. Limits the damages available for violations of the storage requirement.

III. Repeals the \$1,000 civil penalty imposed on landlords of restricted property who do not provide the town clerk with the name and address of an agent authorized to accept service on their behalf.

Conferees: Sens. Prescott, Dist. 23; De Blois, Dist. 18; and D'Allesandro, Dist. 20.

Conferees: Reps. Giuda, Merr. 7; Sorg, Graf. 3; McClarren, Hills. 21; and Rowe, Hills. 6.

Committee of Conference Report adopted.

Reps. Greazzo and Brian Murphy declared a conflict of interest and did not participate.

COMMITTEE OF CONFERENCE REPORT ON SB 75-FN

Committee of Conference Report on SB 75-FN, an act relative to clarification of part-time service in the state retirement system.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Retirement System; Part Time; Group I and Group II. Amend RSA 100-A:1 by inserting after paragraph XXXIII the following new paragraph:

XXXIV. "Part-time," for purposes of employment of a retired member of the New Hampshire retirement system, but excepting per diem court security officers and court bailiffs, means employment by an employer depending on the group classification of the employment as follows:

(a) For group I, part-time employment of the retired member shall not exceed 32 hours in a normal calendar week; except for group I employment which in some instances may exceed 32 hours in any normal calendar week. In such case the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.

(b) For group II, part-time employment of the retired member shall not exceed 32 hours in a normal calendar week; except for group II employment which in some instances may exceed 32 hours in any normal calendar week. In such case the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.

3 Contingency. If SB 3-FN-A-LOCAL of the 2011 regular legislative session becomes law, then section 20 of SB 3-FN-A-LOCAL shall not take effect.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill defines part time employment for purposes of the New Hampshire retirement system. The bill also modifies the definition of part-time employment under the retirement system inserted by SB 3-FN-A-LOCAL of the 2011 legislative session.

Conferees: Sens. Groen, Dist. 6; Bradley, Dist. 3; and Larsen, Dist. 15.

Conferees: Reps. Hawkins, Hills. 18; Cohn, Merr. 6; Winter, Merr. 3; and Shuler, Rock. 11.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 88

Committee of Conference Report on SB 88, an act relative to physical force in defense of a person and relative to brandishing of a firearm or other means of self-defense.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Physical Force in Defense of Person. Amend RSA 627:4, III to read as follows:

III. A person is not justified in using deadly force on another to defend himself or *herself* or a third person from deadly force by the other if he *or she* knows that he *or she* and the third person can, with complete safety:

(a) Retreat from the encounter, except that he *or she* is not required to retreat if he *or she* is within his *or her* dwelling [or], its curtilage, *or anywhere he or she has a right to be*, and was not the initial aggressor; or

(b) Surrender property to a person asserting a claim of right thereto; or

(c) Comply with a demand that he *or she* abstain from performing an act which he *or she* is not obliged to perform; nor is the use of deadly force justifiable when, with the purpose of causing death or serious bodily harm, the [actor] *person* has provoked the use of force against himself *or herself* in the same encounter[;]; *or*

(d) If he *or she* is a law enforcement officer or a private person assisting [him] *the officer* at [his] *the officer's* direction and was acting pursuant to RSA 627:5, [he] *the person* need not retreat.

2 Sentences and Limitations. Amend RSA 651:2, II-g to read as follows:

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime. ~~[The person shall be given a minimum mandatory sentence of not less than 3 years' imprisonment for a first offense and a minimum mandatory sentence of not less than 6 years' imprisonment if such person has been previously convicted of any state or federal offense for which the maximum penalty provided was imprisonment in excess of one year, and an element of which was the possession, use or attempted use of a firearm. Neither the whole nor any part of the minimum sentence imposed under this paragraph shall be suspended or reduced.]~~

3 New Section; Justification; Civil Immunity. Amend RSA 627 by inserting after section 1 the following new section:

627:1-a Civil Immunity. A person who uses force in self-protection or in the protection of other persons pursuant to RSA 627:4, in the protection of premises and property pursuant to RSA 627:7 and 627:8, in law enforcement pursuant to RSA 627:5, or in the care or welfare of a minor pursuant to RSA 627:6, is justified in using such force and shall be immune from civil liability for personal injuries sustained by a perpetrator which were caused by the acts or omissions of the person as a result of the use of force. In a civil action initiated by or on behalf of a perpetrator against the person, the court shall award the person reasonable attorney's fees, and costs, including but not limited to, expert witness fees, court costs, and compensation for loss of income.

4 Justification; Definitions. Amend RSA 627:9, IV to read as follows:

IV. "Non-deadly force" means any assault or confinement which does not constitute deadly force. *The act of producing or displaying a weapon shall constitute non-deadly force.*

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Allows a person who is anywhere he or she has a right to be to use deadly force to protect oneself or a third person.

II. Inserts a civil immunity provision for the use of force against a perpetrator in certain circumstances.

III. Deletes the minimum mandatory sentencing requirement for felony convictions which include the possession, use, or attempted use of a firearm.

IV. Amends the definition of "non-deadly force" to include the act of producing or displaying a weapon.

Conferees: Sens. Boutin, Dist. 16; Groen, Dist. 6; and White, Dist. 9.

Conferees: Reps. Kreis, Merr. 6; Bettencourt, Rock. 4; Warden, Hills. 7; and Shurtleff, Merr. 10.

Rep. Ginsburg spoke against.

Rep. Welch spoke in favor.

Rep. Jennifer Coffey requested a roll call; sufficiently seconded.

YEAS 283 NAYS 89**YEAS 283****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Moore, Robert Jr

Cartwright, Anne
Johnson, Jane
Smith, Edwin

Dwinell, Richard
Lindsey, Steven
Sterling, Franklin Jr

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Remick, William
Tremblay, Marc

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Holden, Frank
Judy, Jean
LeBrun, Donald
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Seidel, Carl
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Levasseur, Nickolas
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Shaw, Barbara
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Ball, J. Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Flanagan, Jack
Gidge, Kenneth
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Day, Russell
Drisko, Richard
Fredette, Robert
Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Cox, Sean
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Allen, Mary
Bates, David
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oligny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Belanger, Ronald
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

Azarian, Gary
Bettencourt, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Mariliinda
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Larsen, Kirsten
Parsons, Robbie
Vita, Lucien

Brown, Julie
Groen, Warren
Leonard, Frederick Jr
Pitre, Joseph
Watters, David

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Roberts, Jenna
Weeden, Michael

DeLemus, Susan
Jones, Laura
O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 89**BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Tatro, Bruce

Carr, Daniel
Meader, David
Weber, Lucy

Chase, Cynthia
Parkhurst, Henry
Weed, Charles

Hawkes, Samuel
Roberts, Kris

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Daler, Jennifer	Gargas, Carolyn	Garrity, Patrick	Gimas, John
Katsiantonis, Thomas	Long, Patrick	Pilotte, Maurice	Porter, Marjorie
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Sullivan, Daniel

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Frazer, June
Gile, Mary	Kidder, David	MacKay, James	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Gould, Kenneth	Lovejoy, Patricia
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Powers, James
Read, Robin Jr	Schlachman, Donna	Serlin, Christopher	

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Munck, Philip	Pelletier, Marsha	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Wall, Janet	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 89

Committee of Conference Report on SB 89, an act establishing a study committee on the procurement of health insurance by employee leasing companies.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Committee Established. There is established a committee to study the procurement of health insurance by employee leasing companies.

5 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

6 Duties. The committee shall study the procurement of health insurance by employee leasing companies licensed under RSA 277-B, including whether policies sponsored by employee leasing companies should be exempt from the rating requirements and other standards for small employer coverage set forth in RSA 420-G.

7 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

8 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2011.

9 Insurance Bulletin Suspended. The department of insurance bulletin INS NO. 10-008-AB is hereby suspended until December 31, 2013.

10 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies the procedures for employee benefits and for employee leasing companies. This bill reestablishes the committee to study the procurement of health insurance by employee leasing companies. The bill also repeals insurance bulletin INS NO. 10-008-AB.

Conferees: Sens. Bragdon, Dist. 11; Carson, Dist. 14; and Houde, Dist. 5.

Conferees: Reps. Hunt, Ches. 7; Flanders, Belk. 4; Nevins, Rock. 15; and Taylor, Graf. 2.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 91

Committee of Conference Report on SB 91, an act relative to automatic fire suppression sprinklers. Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA 674:51 by inserting after paragraph IV the following new paragraph:

V. No municipality or local land use board as defined in RSA 672:7 shall adopt any ordinance, regulation, code, or administrative practice requiring the installation of automatic fire suppression sprinklers in any new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes. Notwithstanding any provision of law to the contrary, no municipality or local land use board shall enforce any existing ordinance, regulation, code, or administrative practice requiring the installation or use of automatic fire suppression sprinklers in any manufactured housing unit as defined in RSA 674:31 situated in a manufactured housing park as defined in RSA 205-A:1, II.

Conferees: Sens. Barnes, Dist. 17; Boutin, Dist. 16; and Forrester, Dist. 2.

Conferees: Reps. Sterling, Ches. 7; Ferrante, Rock. 5; Betsey Patten, Carr. 4; and Burt, Hills. 7.

Rep. Sterling yielded to questions.

Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 284 NAYS 92

YEAS 284

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hawkes, Samuel
Moore, Robert Jr

Cartwright, Anne
Hunt, John
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Sterling, Franklin Jr

Emerson, Susan
Moore, Charles

COOS

Coulombe, Gary
Richardson, Herbert

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

GRAFTON

Almy, Susan
Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Benn, Bernard
Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey
Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L. Chris
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gidge, Kenneth
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve

Balboni, Michael
Barry, Richard
Bergevin, Jerry
Burt, John
Christiansen, Lars
Day, Russell
Drisko, Richard
Gagne, Larry
Gimas, John
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Beattie, Thomas
Boehm, Ralph
Cebrowski, John
Coffey, James
DeJong, Cameron
Emerton, Larry
Gandia, Laura
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Baroody, Benjamin
Belanger, James
Brown, Kevin
Champagne, Norma
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gargas, Carolyn
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Simmons, Tammy
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Gile, Mary
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Richardson, Gary
Smith, Todd

Cohn, Seth
Hess, David
Kidder, David
Lockwood, Priscilla
Palfrey, David
Sanborn, Laurie
Winter, Steven

Cox, Sean
Hill, Gregory
Kotowski, Frank
McDonnell, John
Potter, Frances
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kappler, Lawrence
Lundgren, David
McKinney, Betsy
O'Connor, John

Allen, Mary
Bates, David
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard

Antosz, Jason
Belanger, Ronald
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey

Azarian, Gary
Bettencourt, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Headd, James
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Packard, Sherman

Peckham, Michele
Reichard, Kevin
Schlachman, Donna
Smith, William
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Larsen, Kirsten
Parsons, Robbie
Vita, Lucien

Brown, Julie
Groen, Warren
Leonard, Frederick Jr
Pitre, Joseph
Watters, David

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Sprague, Dale
Weeden, Michael

DeLemus, Susan
Jones, Laura
O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 92 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Tatro, Bruce

Carr, Daniel
Meador, David
Weber, Lucy

Chase, Cynthia
Parkhurst, Henry
Weed, Charles

Johnsen, Gladys
Roberts, Kris

COOS

Hatch, William

Merrick, Evalyn

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Pastor, Beatriz
White, Andrew

Gould, Franklin
Pierce, David

Harding, Laurie
Smith, Suzanne

Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Brunelle, Michael
Cote, David
Garrity, Patrick
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

Buxton, Michael
Coughlin, Sean
Goley, Jeffrey
Levasseur, Nickolas
Rhodes, Brian
Stroud, Kathleen

Campbell, David
Daler, Jennifer
Gorman, Mary
Long, Patrick
Rokas, Ted
Sullivan, Daniel

Condra, William
Flanagan, Jack
Judy, Jean
Pilotte, Maurice
Rosenwald, Cindy
Willette, Robert

MERRIMACK

Bouchard, Candace
MacKay, James
Richardson, Jon
Williams, Robert

Deloge, Helen
Owen, Derek
Shurtleff, Stephen

DeStefano, Stephen
Patten, Dick
Wallner, Mary Jane

Frazer, June
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Powers, James

Devine, James
Pantelakos, Laura
Read, Robin Jr

DiPentima, Rich
Perkins, Amy
Serlin, Christopher

Moody, Marcia
Perkins, Lawrence

STRAFFORD

Berube, Roger
Hooper, Dorothea
Munck, Philip
Spainhower, Dale

Browne, Brendon
Horrigan, Timothy
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Wall, Janet

Grassie, Anne
Keans, Sandra
Schmidt, Peter

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 92

Committee of Conference Report on SB 92, an act establishing an economic strategic commission to review the relationship between business and government.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 359-K:3, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Three commissioners of New Hampshire departments or their designees, one of whom shall be appointed by the governor, one of whom shall be appointed by the senate president, and one of whom shall be appointed by the speaker of the house of representatives.

Conferees: Sens. Carson, Dist. 14; Sanborn, Dist. 7; and Larsen, Dist. 13.

Conferees: Reps. Carol McGuire, Merr. 8; Peter Schmidt, Straf. 4; Proulx, Hills. 15; and Hansen, Hills. 6.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 123

Committee of Conference Report on SB 123, an act relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the Senate.

Conferees: Sens. Houde, Dist. 5; Groen, Dist. 6; and Luther, Dist. 12.

Conferees: Reps. Swinford, Belk. 5; Kreis, Merr. 6; Gagne, Hills. 13; and Welch, Rock.8.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 148-FN

Committee of Conference Report on SB 148-FN, an act relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill provides that a resident of New Hampshire shall not be required to obtain, or be assessed a fee or fine for failure to obtain, health insurance coverage.

Conferees: Sens. Prescott, Dist. 23; De Blois, Dist. 18; and Bradley, Dist. 3.

Conferees: Reps. Hunt, Ches. 7; Flanders, Belk. 4; Manuse, Rock. 5; and Leonard, Straf. 1.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 161-FN

Committee of Conference Report on SB 161-FN, an act relative to procedures for adoption of agency rules under the administrative procedures act.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 5 with the following.

5 Filing Proposed Rule Text; Establishing and Revising Text of Rules. RSA 541-A:10 is repealed and reenacted to read as follows:

541-A:10 Filing of Proposed Rule Text; Establishing and Revising Text.

I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the text of the proposed rule with the director of legislative services. The first time a rule is proposed under RSA 541-A:3 to implement newly-enacted state authority, the agency shall send an electronic copy of the notice and proposed rule to the chair of each house and senate standing policy committee, as defined in RSA 541-A:1, XVI, for distribution to the members of such standing policy committees. If the newly-enacted state authority was not referred originally to a standing policy committee, the agency shall send an electronic copy of the notice and proposed rule to the speaker of the house and senate president for appropriate distribution. If the agency does not have the technology necessary to send an electronic copy, the agency shall send a paper copy. The members of the standing policy committees receiving proposed rules may review the proposed rules to determine whether the proposed rule is consistent with the intent of the authorizing legislation. If a standing policy committee concludes that the proposed rule is not consistent with the intent of the authorizing legislation, the standing policy committee shall send written notice to the agency, with a copy to the director of legislative services, identifying the provision or provisions the committee believes to be inconsistent with legislative intent. Such written notice may be sent to the agency via e-mail and shall be delivered so as to be received by the agency no later than the deadline for public comment specified in the rulemaking notice. If the agency does not receive notice from any standing policy committee by the end of the public comment period, the agency may proceed on the basis that the rule is consistent with the intent of the authorizing legislation. The text of the proposed rules as filed by the agency pursuant to RSA 541-A:3, III shall not be changed prior to the hearing held pursuant to RSA 541-A:11, I(a).

II. The agency shall not establish the text of the final proposal until after the conclusion of the public comment period established pursuant to RSA 541-A:11, I(b). If the agency elects to solicit comment pursuant to RSA 541-A:11, I(c), the agency shall prepare a draft final proposal that is annotated to show how the rules as initially proposed are proposed to be changed. In response to comment received, the agency may revise the draft prior to filing the final proposal in accordance with RSA 541-A:12.

Conferees: Sens. Merrill, Dist. 21; White, Dist. 9; and Luther, Dist. 12.

Conferees: Reps. Carol McGuire, Merr. 8; Whitehead, Hills. 26; Sytek, Rock. 4; and Pilotte, Hills. 16. Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 166

Committee of Conference Report on SB 166, an act relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The legislature finds that, through no fault of their own, certain persons entitled to benefits as surviving spouses and dependents of group II members killed in the line of duty have been provided with incorrect information concerning the benefits to which they are entitled over an extended period of time. Such persons have relied in good faith upon this incorrect information and have ordered their lives accordingly. In order to avoid the unfairness that would occur if these errors were retrospectively corrected, the state of New Hampshire will provide such persons in this position with the benefits that they were promised.

2 Additional Medical Benefits; Surviving Spouse and Dependents; Group II Member Killed in Line of Duty. On the effective date of this act, if the premium payment under RSA 100-A:52 and RSA 21-I:30-a for the surviving spouse and dependent children of a police officer or firefighter killed in the line of duty, as determined under RSA 21-I:29-a, is not for the full amount of the premium for eligible medical and surgical benefits, and the local political subdivision has elected not to pay the excess cost of the premium for such medical and surgical benefits, the state shall pay the difference between the amount paid by the local political subdivision and the amount under RSA 21-I:30-a, I, so that the benefit is not reduced by the application of any benefit limitation or premium contribution for such surviving spouses and dependent children.

3 Application. Nothing in this act shall authorize or require the state to pay for any premium for eligible medical and surgical benefits that was being paid for by the local political subdivision on January 1, 2011.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides for payment of the premium for medical benefits for surviving spouses and dependent children of a police officer or firefighter killed in the line of duty.

Conferees: Sens. Carson, Dist. 14; Luther, Dist. 12; and Larsen, Dist. 15.

Conferees: Reps. Carol McGuire, Merr. 8; Hawkins, Hills. 18; Winter, Merr. 3; and Daniel Sullivan, Hills. 8.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 196

Committee of Conference Report on SB 196, an act relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 189:14-a, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May.

(b) *School boards shall have a teacher performance evaluation policy.*

(c) Any such teacher who has taught for ~~[3 consecutive years or more in the same school district]~~ **5 consecutive years or more in the teacher's current school district, or who taught for 3 consecutive years or more in the teacher's current school district before July 1, 2011**, and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing.

Amend the bill by replacing sections 2 and 3 with the following:

2 Review by State Board. Amend RSA 189:14-b, I to read as follows:

I. A teacher aggrieved by such decision may either petition the state board of education for review thereof or request arbitration under the terms of a collective bargaining agreement *pursuant to RSA 273-A:4*, if applicable, but may not do both. Such petition must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such petition, the state board shall notify the school board of the petition for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within 15 days after the petition for review

is filed, and the decision of the state board shall be final and binding upon both parties. *A petition for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.*

3 Grievance Procedures. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. *No grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14-a shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement. However, after the expiration date of that collective bargaining agreement, nothing in this section shall be deemed to prohibit the school district public employer and the exclusive bargaining representative from entering into a subsequent agreement that may include arbitration or any other binding resolution for teacher nonrenewals pursuant to RSA 189:14-a and RSA 189:14-b. If such grievance procedures become incorporated into a subsequent collective bargaining agreement, those procedures shall become null and void at the expiration of that agreement. "Grievance resulting from failure of a teacher to be renewed" means a grievance that challenges nonrenewal, or that seeks reversal or reinstatement from nonrenewal as a remedy.*

Conferees: Sens. Stiles, Dist. 24; Forsythe, Dist. 4; and Bragdon, Dist. 11.

Conferees: Reps. Balboni, Hills. 21; Boehm, Hills. 27; Hill, Merr. 6; and Gile, Merr. 10.

Committee of Conference Report adopted.

The House recessed at 10:55 a.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 11:50 a.m.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. (Report printed SJ 6-22-11)

Reps. Rosenwald, Benn, Baroody and Wallner spoke against.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 274 NAYS 108

YEAS 274

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey

Bolster, Peter
Greemore, Robert
Pilliod, James
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brousseau, Charles
Ingbreton, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Day, Russell
Drisko, Richard
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scoutsas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Hess, David
Kidder, David
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Cohn, Seth
Hill, Gregory
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Cox, Sean
Hoell, J.R.
Kreiss, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abraham, Patrick
Baldasar, Alfred
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew

Allen, Mary
Bates, David
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna

Antosz, Jason
Belanger, Ronald
Case, Frank
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy

Azarian, Gary
Bettencourt, David
Charron, Gene
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles

Murphy, Brian
 Oligny, Jeffrey
 Reichard, Kevin
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Nevins, Chris
 Packard, Sherman
 Rice, Frederick
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

O'Connor, John
 Peckham, Michele
 Ritter, Glenn
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

Okerman, Richard
 Reagan, John
 Sanders, Elisabeth
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Munck, Philip
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie
 Weeden, Michael

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 108 BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
 Hawkes, Samuel
 Parkhurst, Henry
 Weed, Charles

Carr, Daniel
 Johnsen, Gladys
 Roberts, Kris

Chase, Cynthia
 Lindsey, Steven
 Tatro, Bruce

Emerson, Susan
 Meader, David
 Weber, Lucy

COOS

Coulombe, Gary
 Theberge, Robert

Hatch, William
 Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
 Harding, Laurie
 Smith, Suzanne

Almy, Susan
 Nordgren, Sharon
 Taylor, Kathleen

Benn, Bernard
 Pastor, Beatriz
 Townsend, Charles

Gould, Franklin
 Pierce, David
 White, Andrew

HILLSBOROUGH

Baroody, Benjamin
 Daler, Jennifer
 Gorman, Mary
 Long, Patrick
 Ramsey, Peter
 Shaw, Barbara

Brunelle, Michael
 Garrity, Patrick
 Judy, Jean
 Messier, Irene
 Rhodes, Brian
 Sullivan, Daniel

Campbell, David
 Gidge, Kenneth
 Katsiantonis, Thomas
 Pilotte, Maurice
 Rokas, Ted

Cote, David
 Goley, Jeffrey
 Levasseur, Nickolas
 Porter, Marjorie
 Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
 Gile, Mary
 Patten, Dick
 Shurtleff, Stephen

Deloge, Helen
 Hamm, Christine
 Potter, Frances
 Wallner, Mary Jane

DeStefano, Stephen
 MacKay, James
 Rice, Chip
 Watrous, Rick

Frazer, June
 Owen, Derek
 Richardson, Gary
 Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
 Lovejoy, Patricia

Copeland, Timothy
 Moody, Marcia

DiPentima, Rich
 Norelli, Terie

Gould, Kenneth
 Pantelakos, Laura

Perkins, Amy
Quandt, Matt

Perkins, Lawrence
Read, Robin Jr

Powers, James
Schlachman, Donna

Quandt, Marshall
Serlin, Christopher

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
and the Committee of Conference Report was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 2-FN-A-L, relative to state fees funds, revenues, and expenditures.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 2-FN-A-L, relative to state fees funds, revenues, and expenditures. (Report printed SJ 6-22-11)

Reps. Norelli, Kris Roberts, Almy and Vaillancourt spoke against.

Reps. Giuda and Bettencourt spoke in favor.

Rep. Lynne Ober spoke in favor and yielded to questions.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 259 NAYS 119

YEAS 259

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey

Bolster, Peter
Greemore, Robert
Pilliod, James
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Ingbertson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Burt, John

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Cebrowski, John

Ball, J. Michael
Belanger, James
Brown, Kevin
Champagne, Norma

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L. Chris

Christiansen, Lars
 Cusson-Cail, Kathleen
 Donovan, Daniel
 Flanagan, Jack
 Gimas, John
 Haefner, Robert
 Hikel, John
 Holden, Frank
 Jasper, Shawn
 LeBrun, Donald
 McGuinness, Sean
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Robbins, David
 Silva, Peter
 Stepanek, Stephen
 Thomas, Joseph
 Warden, Mark

Coffey, James
 Daniels, Gary
 Drisko, Richard
 Fredette, Robert
 Gonzalez, Carlos
 Hansen, Peter
 Hinch, Richard
 Hopper, Gary
 Krasucki, Joseph
 Maltz, Jonathan
 Mecheshki, Holly
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Rowe, Robert
 Simmons, Tammy
 Stroud, Kathleen
 Twombly, Timothy
 Whitehead, Randall

Condra, William
 Day, Russell
 Emerton, Larry
 Gagne, Larry
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Hutchinson, Winfred
 Kurk, Neal
 Marcus, Bruce
 Moran, Edward
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Scontos, Lisa
 Soucy, Connie
 Swank, Matthew
 Ulery, Jordan
 Willette, Robert

Coughlin, Sean
 Doherty, Shaun
 Erickson, Duane
 Gargas, Carolyn
 Greazzo, Phil
 Hawkins, Kenneth
 Hogan, Timothy
 Infantine, William
 Lambert, George
 McClarren, Donald
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Terrio, Ross
 Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Kidder, David
 Lockwood, Priscilla
 Palfrey, David
 Seaworth, G. Brian

Coffey, Jennifer
 Hess, David
 Kotowski, Frank
 McDonnell, John
 Reed, Dennis
 Smith, Molly

Cohn, Seth
 Hill, Gregory
 Kreis, Kenneth Sr
 McGuire, Carol
 Richardson, Jon
 Smith, Todd

Cox, Sean
 Keane, Thomas
 Lindsley, Mark
 McGuire, Dan
 Sanborn, Laurie
 Winter, Steven

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Birdsell, Regina
 Chirichiello, Brian
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Hutchinson, Karen
 Katsakiores, Phyllis
 Manuse, Andrew
 Murphy, Brian
 Packard, Sherman
 Rice, Frederick
 Sheffert, Kenneth
 Sullivan, Kevin
 Ward, Joanne
 Weyler, Kenneth

Allen, Mary
 Bates, David
 Brown, Paul
 Comerford, Timothy
 Dowling, Patricia
 Fesh, Robert
 Hagan, Joseph
 Introne, Robert
 Kolodziej, Walter
 Mauro, Donna
 Nevins, Chris
 Peckham, Michele
 Ritter, Glenn
 Shuler, Wyman III
 Tamburello, Daniel
 Waterhouse, Kevin

Antosz, Jason
 Belanger, Ronald
 Case, Frank
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Itse, Daniel
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Reagan, John
 Sanders, Elisabeth
 Smith, William
 Tucker, Pamela
 Webb, James

Azarian, Gary
 Bettencourt, David
 Charron, Gene
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Kappler, Lawrence
 Major, Norman
 McMahon, Charles
 Oigny, Jeffrey
 Reichard, Kevin
 Sedensky, John
 Sullivan, James
 Waddell, James
 Welch, David

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Munck, Philip
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie
 Weeden, Michael

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 119 BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Johnsen, Gladys
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Emerson, Susan
Meador, David
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn
Tremblay, Marc

Remick, William

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Taylor, Kathleen

Benn, Bernard
Pierce, David
Townsend, Charles

Gould, Franklin
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Garrity, Patrick
Jeudy, Jean
McCarthy, Michael
Proulx, Mark
Rosenwald, Cindy
Vaillancourt, Steve

Brunelle, Michael
Daler, Jennifer
Gidge, Kenneth
Katsiantonis, Thomas
Messier, Irene
Ramsey, Peter
Shaw, Barbara

Buxton, Michael
DeJong, Cameron
Goley, Jeffrey
Levasseur, Nicolas
Pilotte, Maurice
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Gandia, Laura
Gorman, Mary
Long, Patrick
Porter, Marjorie
Rokas, Ted
Summers, James

MERRIMACK

Bouchard, Candace
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hoell, J.R.
Potter, Frances
Wallner, Mary Jane

Frazer, June
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

Copeland, Timothy
Moody, Marcia
Perkins, Amy
Quandt, Matt
Sytek, John

DiPentima, Rich
Norelli, Terie
Perkins, Lawrence
Read, Robin Jr
Tremblay, Stella

Gould, Kenneth
Okerman, Richard
Powers, James
Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Brown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the Committee of Conference Report was adopted.
Rep. Tholl declared a conflict of interest and did not participate.

SENATE MESSAGE**ACCEDES TO REQUEST FOR NEW COMMITTEE OF CONFERENCE**

SB 33-FN, relative to retired state employee contributions for medical benefits costs. The President appointed Sens. Carson, Groen and D'Allesandro.

MOTION TO SUSPEND HOUSE RULES

Rep. Carol McGuire moved that the rules be so far suspended as to allow consideration at the present time and without the required printing of a Committee of Conference Report on **SB 33-FN**, relative to retired state employee contributions for medical benefits costs.

On a division vote, 280 members having voted in the affirmative and 98 in the negative, the motion was adopted by the necessary two-thirds vote.

COMMITTEE OF CONFERENCE REPORT ON SENATE BILL**NEW COMMITTEE OF CONFERENCE REPORT ON SB 33-FN**

Committee of Conference Report on SB 33-FN, an act relative to retired state employee contributions for medical benefits costs.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; State Employee Contributions to Medical and Surgical Benefits. Amend RSA 21-I:30 by inserting after paragraph VII the following new paragraph:

VIII. The commissioner of administrative services shall invoice and collect from retired state employees under the age of 65 years receiving medical and surgical benefits provided under this section, who do not receive a retirement allowance as defined in RSA 100-A:1, XXII, the premium contribution amounts of 12.5 percent of the total monthly premium for each such retiree and 12.5 percent of the total monthly premium for each applicable spouse; provided that the charge to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan participants. The commissioner of administrative services is also authorized to invoice and collect from such other participants contribution amounts as specified by law. Collected amounts shall be deposited in the employee and retiree benefit risk management fund. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. If a participant fails to remit payment in full for participation within 30 days of billing, on the 30th day the participant shall be notified by certified mail, return receipt requested, that he or she shall remit payment to the department within 10 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th business day after receipt of the letter and that reenrollment shall be dependent upon payment of any outstanding contribution or other amount within 6 months of the termination date.

2 New Hampshire Retirement System; Medical and Surgical Benefit Administration. RSA 100-A:54, III is repealed and reenacted to read as follows:

III. The retirement system shall deduct from the monthly retirement allowance of retired state employees under the age of 65 years receiving medical and surgical benefits provided pursuant to RSA 21-I:30, the premium contribution amounts of 12.5 percent of the total monthly premium for each such retiree and 12.5 percent of the total monthly premium for each applicable spouse; provided that the charge to each household shall not exceed 12.5 percent of the total monthly premium for 2 plan participants. The department of administrative services shall provide information as to the total monthly premium cost for each participant to the retirement system for purposes of calculating this deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree the remaining contribution amount. Failure to remit payment of the contribution amount in

full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. The department of administrative services shall provide notice of the termination of benefits as provided in RSA 21-I:30, VIII.

3 Effective Date. This act shall take effect July 1, 2011 at 12:01 a.m.

Conferees: Sens. Carson, Dist. 14; Groen, Dist. 6; and D'Allesandro, Dist. 20.

Conferees: Reps. Carol McGuire, Merr. 8; Pilotte, Hills. 16; Winter, Merr. 3; and Bowers, Sull. 3. Rep. Carol McGuire spoke in favor.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 278 NAYS 99

YEAS 278

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Millham, Alida	Pilliod, James	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin
Tobin, William			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hunt, John
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Harding, Laurie	Ingbretson, Paul	Ladd, Rick Jr
Mirski, Paul	Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Beattie, Thomas	Belanger, James	Belvin, William
Bergevin, Jerry	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christensen, D.L. Chris	Christiansen, Lars	Coffey, James	Condra, William
Coughlin, Sean	Cusson-Cail, Kathleen	Daler, Jennifer	Daniels, Gary
Day, Russell	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Emerton, Larry	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gargas, Carolyn
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Hogan, Timothy	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McClarren, Donald	McGuinness, Sean

Mecheski, Holly
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Proulx, Mark
 Scontsas, Lisa
 Soucy, Connie
 Summers, James
 Twombly, Timothy
 Warden, Mark

Messier, Irene
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Swank, Matthew
 Ulery, Jordan
 Whitehead, Randall

Moran, Edward
 Ober, Russell III
 Parison, James
 Pilotte, Maurice
 Robbins, David
 Silva, Peter
 Stepanek, Stephen
 Terrio, Ross
 Vaillancourt, Steve
 Willette, Robert

Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Pratt, Calvin
 Rowe, Robert
 Simmons, Tammy
 Stroud, Kathleen
 Thomas, Joseph
 Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
 Hess, David
 Kidder, David
 Lockwood, Priscilla
 Palfrey, David
 Smith, Molly

Coffey, Jennifer
 Hill, Gregory
 Kotowski, Frank
 McDonnell, John
 Reed, Dennis
 Smith, Todd

Cohn, Seth
 Hoell, J.R.
 Kreis, Kenneth Sr
 McGuire, Carol
 Sanborn, Laurie
 Winter, Steven

Cox, Sean
 Keane, Thomas
 Lindsley, Mark
 McGuire, Dan
 Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Birdsell, Regina
 Chirichiello, Brian
 Devine, James
 Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Kappler, Lawrence
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Reagan, John
 Sanders, Elisabeth
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

Allen, Mary
 Bates, David
 Brown, Paul
 Comerford, Timothy
 Dowling, Patricia
 Fesh, Robert
 Griffin, Mary
 Hutchinson, Karen
 Katsakiores, Phyllis
 Manuse, Andrew
 Murphy, Brian
 Oligny, Jeffrey
 Reichard, Kevin
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Antosz, Jason
 Belanger, Ronald
 Case, Frank
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Hagan, Joseph
 Introne, Robert
 Kolodziej, Walter
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Rice, Frederick
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

Azarian, Gary
 Bettencourt, David
 Charron, Gene
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Headd, James
 Itse, Daniel
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Peckham, Michele
 Ritter, Glenn
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

STRAFFORD

Andolina, Donald
 Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie
 Vita, Lucien

Brown, Julie
 Jones, Kyle
 Munck, Philip
 Pitre, Joseph
 Weeden, Michael

Cataldo, Sam
 Jones, Laura
 Newton, Clifford
 Schmidt, Peter

DeLemus, Susan
 Larsen, Kirsten
 O'Connor, William
 Vita, Carol

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 99 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Roberts, Kris

Carr, Daniel
Johnsen, Gladys
Tatro, Bruce

Chase, Cynthia
Meader, David
Weber, Lucy

Emerson, Susan
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William
Tremblay, Marc

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Nordgren, Sharon
Townsend, Charles

Almy, Susan
Pierce, David
White, Andrew

Benn, Bernard
Smith, Suzanne

Gould, Franklin
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Judy, Jean
McCarthy, Michael
Rokas, Ted

Brunelle, Michael
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Gimas, John
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Cote, David
Goley, Jeffrey
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Richardson, Jon
Williams, Robert

Deloge, Helen
Hamm, Christine
Potter, Frances
Shurtleff, Stephen

DeStefano, Stephen
MacKay, James
Rice, Chip
Wallner, Mary Jane

Frazer, June
Owen, Derek
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr

Copeland, Timothy
Norelli, Terie
Powers, James
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

Lovejoy, Patricia
Perkins, Amy
Quandt, Matt

STRAFFORD

Berube, Roger
Hooper, Dorothea
Pelletier, Marsha
Sprague, Dale

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

Grassie, Anne
Keans, Sandra
Spang, Judith

SULLIVAN

Cloutier, John
and the Committee of Conference Report was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

The House recessed at 1:50 p.m.

RECESS**(Speaker O'Brien in the Chair)**

The House reconvened at 2:50 p.m.

GOVERNOR'S VETO MESSAGE ON HB 109

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed HB 109, an act relative to residential fire sprinklers. HB 109 prohibits local planning boards from requiring the installation of a fire suppression sprinkler system in proposed one or two-family residences as a condition of approval for a local permits. It also lessens the ability of local communities to work cooperatively with developers to move projects forward in cost-effective ways. Instead of allowing communities to work with developers to substitute sprin-

kler systems, communities will now have to revert to requiring what may be more costly options: fire ponds, cisterns, wider road widths, increasing the size of building lots and increasing the size of distance between buildings. HB 109 will also prohibit municipalities from enforcing their current sprinkler ordinances. Today, communities from Salem to Hooksett to Boscawen to Lebanon have these ordinances, which have been approved by the local governing bodies. I believe that the decision of whether or not to require fire sprinklers for new or renovated residential development should remain a local one. The State should not dictate a required course of action. It is obviously the local community that is impacted from new residential development both in terms of land use and in terms of bearing the costs of providing increased fire protection services. This legislation will remove local control over an important issue. The State Fire Marshal and numerous local fire departments across the State also have concerns about the ability of local officials to continue to have fire sprinkler systems as a local option. For these reasons, I am vetoing HB 109.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 109**, relative to residential fire sprinklers, become law?

Rep. Kris Roberts spoke against.

Reps. Sterling and Hunt spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 294 NAYS 72

YEAS 294

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Millham, Alida	Russell, David	Simpson, Tyler
St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin	Tobin, William

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Meader, David	Moore, Charles
Moore, Robert Jr	Roberts, Kris	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce			

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Theberge, Robert	Tholl, John Jr	Tremblay, Marc	

GRAFTON

Almy, Susan	Benn, Bernard	Bradley, Lester	Brosseau, Charles
Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr
Mirski, Paul	Pierce, David	Reilly, Harold Sr	Shackett, Jeffrey
Simard, Paul	Smith, Suzanne	Sorg, Gregory	Sova, Charles
Taylor, Kathleen			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Baroody, Benjamin
Barry, J. Gail	Barry, Richard	Beattie, Thomas	Belanger, James
Belvin, William	Bergevin, Jerry	Boehm, Ralph	Brown, Kevin

Brownrigg, Randall Jr
 Champagne, Norma
 Coughlin, Sean
 DeJong, Cameron
 Emerton, Larry
 Gandia, Laura
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Infantine, William
 Lambert, George
 Maltz, Jonathan
 McGuinness, Sean
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Ramsey, Peter
 Scontosas, Lisa
 Soucy, Connie
 Summers, James
 Ulery, Jordan
 Whitehead, Randall

Burt, John
 Christensen, D.L. Chris
 Cusson-Cail, Kathleen
 Doherty, Shaun
 Erickson, Duane
 Gargas, Carolyn
 Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Jasper, Shawn
 LeBrun, Donald
 Marcus, Bruce
 Mecheski, Holly
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Swank, Matthew
 Vaillancourt, Steve
 Willette, Robert

Campbell, David
 Christiansen, Lars
 Daniels, Gary
 Donovan, Daniel
 Fredette, Robert
 Gimmas, John
 Haefner, Robert
 Hikel, John
 Hopper, Gary
 Krasucki, Joseph
 Levasseur, Nickolas
 McCarthy, Michael
 Messier, Irene
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Robbins, David
 Silva, Peter
 Stepanek, Stephen
 Thomas, Joseph
 Villeneuve, Moe

Cebrowski, John
 Coffey, James
 Day, Russell
 Drisko, Richard
 Gagne, Larry
 Gonzalez, Carlos
 Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 Kurk, Neal
 Long, Patrick
 McClarren, Donald
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Rowe, Robert
 Simmons, Tammy
 Sullivan, Daniel
 Twombly, Timothy
 Warden, Mark

MERRIMACK

Blankenbeker, Lynne
 DeStefano, Stephen
 Hill, Gregory
 Kotowski, Frank
 McDonnell, John
 Palfrey, David
 Sanborn, Laurie
 Winter, Steven

Coffey, Jennifer
 Glie, Mary
 Hoell, J.R.
 Kreis, Kenneth Sr
 McGuire, Carol
 Reed, Dennis
 Seaworth, G. Brian

Cohn, Seth
 Giuda, J. Brandon
 Keane, Thomas
 Lindsley, Mark
 McGuire, Dan
 Richardson, Gary
 Smith, Molly

Cox, Sean
 Hess, David
 Kidder, David
 Lockwood, Priscilla
 Owen, Derek
 Richardson, Jon
 Smith, Todd

ROCKINGHAM

Abrami, Patrick
 Belanger, Ronald
 Case, Frank
 Copeland, Timothy
 Dowling, Patricia
 Fesh, Robert
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Mauro, Donna
 Okerman, Richard
 Quandt, Marshall
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Azarian, Gary
 Bettencourt, David
 Charron, Gene
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Hagan, Joseph
 Itse, Daniel
 Lovejoy, Patricia
 Murphy, Brian
 Packard, Sherman
 Quandt, Matt
 Ritter, Glenn
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

Baldasaro, Alfred
 Birdsell, Regina
 Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Headd, James
 Kappler, Lawrence
 Major, Norman
 Nevins, Chris
 Pantelakos, Laura
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

Bates, David
 Brown, Paul
 Comerford, Timothy
 Devine, James
 Ferrante, Beverly
 Gould, Kenneth
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Manuse, Andrew
 O'Connor, John
 Peckham, Michele
 Reichard, Kevin
 Schlachman, Donna
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

STRAFFORD

Andolina, Donald
 Ginsburg, Philip
 Keans, Sandra

Brown, Julie
 Groen, Warren
 Larsen, Kirsten

Cataldo, Sam
 Jones, Kyle
 Leonard, Frederick Jr

DeLemus, Susan
 Jones, Laura
 Munck, Philip

Newton, Clifford
Roberts, Jenna
Watters, David

O'Connor, William
Sprague, Dale
Weeden, Michael

Parsons, Robbie
Vita, Carol

Pitre, Joseph
Vita, Lucien

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Rodeschin, Beverly

Cunningham, Steven
Laware, Thomas
Smith, Steven

Gagnon, Raymond
Lovett, Charlene

Howard, Thomas
Osgood, Joe

NAYS 72

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Weed, Charles

Carr, Daniel
Lindsey, Steven

Chase, Cynthia
Parkhurst, Henry

Hawkes, Samuel
Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Aguiar, James
Townsend, Charles

Gould, Franklin
White, Andrew

Harding, Laurie

Nordgren, Sharon

HILLSBOROUGH

Brunelle, Michael
Daler, Jennifer
Judy, Jean
Rhodes, Brian
Stroud, Kathleen

Buxton, Michael
Garrity, Patrick
Katsiantonis, Thomas
Rokas, Ted

Condra, William
Gidge, Kenneth
Pilotte, Maurice
Rosenwald, Cindy

Cote, David
Gorman, Mary
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
MacKay, James
Wallner, Mary Jane

Deloge, Helen
Patten, Dick
Watrous, Rick

Frazer, June
Potter, Frances
Williams, Robert

Hamm, Christine
Shurtleff, Stephen

ROCKINGHAM

Allen, Mary
Norelli, Terie
Read, Robin Jr

Cali-Pitts, Jacqueline
Perkins, Amy
Serlin, Christopher

DiPentima, Rich
Perkins, Lawrence

Moody, Marcia
Powers, James

STRAFFORD

Berube, Roger
Horrigan, Timothy
Spainhower, Dale

Browne, Brendon
Kaen, Naida
Spang, Judith

Grassie, Anne
Pelletier, Marsha
Wall, Janet

Hooper, Dorothea
Schmidt, Peter

SULLIVAN

Cloutier, John

Lefebvre, Benjamin

Schmidt, Andrew

and the veto was overridden.

GOVERNOR'S VETO MESSAGE ON HB 133

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 8, 2011, I vetoed HB 133, relative to the minimum wage. This legislation repeals New Hampshire's state minimum wage law, effectively ceding state control and authority to the federal

government. This legislation would make New Hampshire one of only a handful of states that completely defer to the federal government and do not independently establish their own minimum wage laws. I do not support turning over complete authority to the federal government to determine what makes sense for our citizens or our businesses. The minimum wage law ensures that our citizens receive at least a minimum level of compensation for their hard work. It also helps ensure a level playing field for business owners - the overwhelming majority of whom want to give their employees a decent day's wage for a day's hard work. New Hampshire's current minimum wage is set at the federal level, and it is appropriate. But four years ago, we agreed that - after a decade of federal inaction - we needed to act to help families meet rising costs. This legislation removes the New Hampshire legislature from that debate, and gives authority to set the minimum wage solely to the federal government. New Hampshire's current economic strategy is working. We have one of the lowest unemployment rates in the nation. Ten thousand more people are working now than at the same time last year. We have one of the fastest-growing economies in the nation. And we have one of the highest median incomes in the nation. New Hampshire has had a minimum wage law since 1949, and neither our citizens nor our businesses have called for its repeal. There is no need to undermine our state's economic strategy or cede our state authority to the federal government. Therefore I am vetoing this legislation.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 133**, relative to the minimum wage, become law?

Reps. White, Weed and Campbell spoke against.

Rep. Daniels spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 261 NAYS 110

YEAS 261

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Millham, Alida	Pilliod, James	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin
Tobin, William			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Bymes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Moore, Charles	Moore, Robert Jr
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbreton, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul	Sorg, Gregory
Sova, Charles			

HILLSBOROUGH

Avard, Kevin
 Barry, Richard
 Bergevin, Jerry
 Burt, John
 Christensen, D.L. Chris
 Coughlin, Sean
 DeJong, Cameron
 Emerton, Larry
 Gargas, Carolyn
 Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 Kurk, Neal
 Marcus, Bruce
 Mechski, Holly
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Robbins, David
 Silva, Peter
 Stepanek, Stephen
 Thomas, Joseph
 Villeneuve, Moe

Balboni, Michael
 Beattie, Thomas
 Boehm, Ralph
 Buxton, Michael
 Christiansen, Lars
 Cusson-Cail, Kathleen
 Doherty, Shaun
 Erickson, Duane
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Infantine, William
 Lambert, George
 McCarthy, Michael
 Moran, Edward
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Rowe, Robert
 Simmons, Tammy
 Stroud, Kathleen
 Twombly, Timothy
 Warden, Mark

Ball, J. Michael
 Belanger, James
 Brown, Kevin
 Cebrowski, John
 Coffey, James
 Daniels, Gary
 Donovan, Daniel
 Gagne, Larry
 Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Jasper, Shawn
 LeBrun, Donald
 McClarren, Donald
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Scontsas, Lisa
 Soucy, Connie
 Summers, James
 Ulery, Jordan
 Whitehead, Randall

Barry, J. Gail
 Belvin, William
 Brownrigg, Randall Jr
 Champagne, Norma
 Condra, William
 Day, Russell
 Drisko, Richard
 Gandia, Laura
 Haefner, Robert
 Hikel, John
 Hopper, Gary
 Krasucki, Joseph
 Maltz, Jonathan
 McGuinness, Sean
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Swank, Matthew
 Vaillancourt, Steve
 Willette, Robert

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Keane, Thomas
 McDonnell, John
 Reed, Dennis
 Smith, Molly

Coffey, Jennifer
 Hess, David
 Kotowski, Frank
 McGuire, Carol
 Richardson, Jon
 Smith, Todd

Cohn, Seth
 Hill, Gregory
 Kreis, Kenneth Sr
 McGuire, Dan
 Sanborn, Laurie
 Winter, Steven

Cox, Sean
 Hoell, J.R.
 Lindsley, Mark
 Palfrey, David
 Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
 Belanger, Ronald
 Case, Frank
 Copeland, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Kappler, Lawrence
 Manuse, Andrew
 O'Connor, John
 Reagan, John
 Sanders, Elisabeth
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

Azarian, Gary
 Bettencourt, David
 Charron, Gene
 Davenport, Joshua
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Mauro, Donna
 Okerman, Richard
 Reichard, Kevin
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Baldasaro, Alfred
 Birdsell, Regina
 Chirichiello, Brian
 DeSimone, Debra
 Ferrante, Beverly
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Murphy, Brian
 Packard, Sherman
 Rice, Frederick
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

Bates, David
 Brown, Paul
 Comerford, Timothy
 Devine, James
 Fesh, Robert
 Hagan, Joseph
 Itse, Daniel
 Major, Norman
 Nevins, Chris
 Peckham, Michele
 Ritter, Glenn
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Munck, Philip
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie
 Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

**NAYS 110
BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Roberts, Kris

Carr, Daniel
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Meador, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Harding, Laurie
Taylor, Kathleen

Almy, Susan
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Pierce, David
White, Andrew

Gould, Franklin
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gimas, John
Jeady, Jean
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Fredette, Robert
Goley, Jeffrey
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

Campbell, David
Garrity, Patrick
Gonzalez, Carlos
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy

Cote, David
Gidge, Kenneth
Gorman, Mary
Long, Patrick
Ramsey, Peter
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Rice, Chip
Watrous, Rick

Deloge, Helen
Hamm, Christine
Owen, Derek
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Kidder, David
Patten, Dick
Shurtleff, Stephen

Frazer, June
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Gould, Kenneth
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Perkins, Amy
Quandt, Matt

DiPentima, Rich
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr

Dowling, Patricia
Norelli, Terie
Powers, James
Schlachman, Donna

STRAFFORD

Brube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Brown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
and the veto was overridden.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

GOVERNOR'S VETO MESSAGE ON HB 329-FN

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed HB 329. I support parental notification and parental involvement in a minor's decision to seek an abortion. The decision whether to complete a pregnancy or seek an abortion is a serious and life-changing one for any pregnant woman. Minors need and benefit from the support and guidance of their parents. However, any law must make reasonable allowances for cases where that is not possible. I am particularly troubled by the lack of an exception for the victims of rape, incest and abuse. If the legislature works with me on this change and the other limited, common-sense changes outlined in this message, I would sign parental notification legislation. First, a young woman should not be forced to involve the person that abused her in the first place in this decision. That is why of the 36 states that require some form of parental involvement, 16 include exceptions from notification for rape or incest or abuse. There must be an exception for rape, incest and abuse in any parental notification law in New Hampshire. Second, some of the provisions of this legislation are unclear and too narrow. The health exception does not allow a physician to sufficiently exercise his or her best medical judgment and proceed with an abortion when a delay will create a grave and immediate risk to the minor's health. For example, when a physician sees a minor patient who is hemorrhaging, the physician may not be able to definitively determine whether a delay in performing an abortion would result in the irreversible impairment of a major bodily function, even if the physician has determined that there is surely a grave and immediate risk to the minor's health. The bill's medical emergency provision requires a physician to determine in a very short time frame that a delay will create a serious risk of a substantial and irreversible impairment of a major bodily function. That standard is narrow, complex and unworkable. It is difficult for a physician – at any point in time – to be certain that a delay will present a "serious risk" that there will be both a "substantial and irreversible" impairment of a major bodily function. If the physician chooses not go forward with the abortion because of uncertainty of the risk, the minor's health could be affected. If the physician performs the abortion and is wrong in that determination, then he or she is subject to criminal liability. The medical emergency standard now in HB 329 needs to allow physicians to exercise their full professional judgment based on all the potential serious health impacts to their patients. Lastly, this bill subjects medical professionals to potential imprisonment and civil lawsuits without giving medical providers sufficient guidance on how to comply with the law. The law should include clear standards on what information must be collected from the minor and what records should be kept. Because this legislation lacks an exception for rape and incest, and for the other reasons I have articulated, I am vetoing HB 329. If the legislature passes a bill that addresses these concerns, then I am prepared to sign a parental notification law.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 329-FN**, requiring parental notification before abortions may be performed on unemancipated minors, become law?

Reps. Rowe, Giuda, Souza and Groen spoke in favor.

Reps. Chase and Bouchard spoke against.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 266 NAYS 102**YEAS 266****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey

Bolster, Peter
Greemore, Robert
Pilliod, James
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Butynski, William
Emerson, Susan
Smith, Edwin

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbreton, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Marcus, Bruce
Moran, Edward
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Murphy, Keith
Palmer, Barry
Pepino, Leo
Proulx, Mark
Scontsas, Lisa
Soucy, Connie
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Summers, James
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Day, Russell
Emerton, Larry
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Katsiantonis, Thomas
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Parison, James
Pilotte, Maurice
Robbins, David
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Giuda, J. Brandon
Keane, Thomas
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hess, David
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Major, Norman

Allen, Mary
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Manuse, Andrew

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna

Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McMahon, Charles

Murphy, Brian
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Berube, Roger
Jones, Kyle
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 102 BELKNAP

Millham, Alida

CARROLL

Babson, David Jr

CHESHIRE

Carr, Daniel
Johnsen, Gladys
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Hawkes, Samuel
Meader, David
Weber, Lucy

Hunt, John
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Simard, Paul
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Eaton, Stephanie
Pierce, David
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gimas, John
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Drisko, Richard
Goley, Jeffrey
Long, Patrick
Rhodes, Brian

Campbell, David
Gargasz, Carolyn
Gorman, Mary
Messier, Irene
Rokas, Ted

Cote, David
Gidge, Kenneth
Jeu, Jean
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Hamm, Christine
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Kidder, David
Patten, Dick
Shurtleff, Stephen

Frazer, June
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Gile, Mary
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Powers, James

Case, Frank
Moody, Marcia
Read, Robin Jr

DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Gould, Kenneth
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

Brown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
and the veto was overridden.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

MOTION TO PRINT REMARKS

Rep. Kappler moved that the remarks made during the Parliamentary Inquiries on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013 and **HB 2-FN-A-L**, relative to state fees funds, revenues, and expenditures, be printed in the Permanent Journal.

On a division vote, 205 members having voted in the affirmative and 163 in the negative, the motion was adopted.

PARLIAMENTARY INQUIRIES – HB 1-A

Rep. Nordgren: Thank you, Mister Speaker. If I know that HB 1 will forever change the state of New Hampshire and harm hundreds of citizens we have been elected to serve; if I know that HB 1 will withdraw lifesaving services to the disabled, mentally ill and elderly struggling to remain independent; if I know HB 1, created in backrooms out of the public view, will prevent job creation; that the largest cuts in the nation to higher education will prevent our talented students from joining our work force; if I know that this proposed budget will be remembered for raising property taxes, cutting services for citizens, victims of domestic abuse, putting families in communities at risk by horrendous funding cuts in programs for our most troubled children; if I know that this body has abandoned our most needy citizens, turned our backs on our citizens and changed the very fabric of this state; and, Mister Speaker, if I know New Hampshire voters will not forget this reckless budget, would I press the red button and remember our friends and neighbors in need? Thank you, Mister Speaker.

Rep. Jasper: Thank you, Mister Speaker. Mister Speaker, if I know that members of my party stood here for two budget cycles and warned of what was coming, warned of over spending, warned of over taxation and warned of the dire situation we would find ourselves in because those tax increases and those spending increases were unsustainable; Mister Speaker, because I know all that, I find the complaints from the loyal opposition to ring hollow. Mister Speaker, if I know that we suffered through a 24% increase in our budget over two cycles and I know that this budget only goes down 11%; and, Mister Speaker, I know that the people of the state of New Hampshire are resilient and I know that the generosity of the people of New Hampshire to those in need through private charities and churches know no bounds when people are truly in need, but I know that this is a responsible budget because you can't say that the state of New Hampshire will fall apart over 11% decrease in spending; Mister Speaker, if I know we have done the very best we could given the disaster that was handed to us from the loyal opposition; Mister Speaker would I then support the hard work of both the House and the Senate conferees and the members of the Finance Committee on both of those bodies and do the right thing and the responsible thing and push the green button and support the Committee of Conference Report?

PARLIAMENTARY INQUIRIES – HB 2-FN-A-L

Rep. Wallner: Thank you, Mister Speaker. If I know that passing HB 2 will have devastating effects on New Hampshire's children, working families and senior citizens; and, if I know that HB 2 is a job killer and does not create new jobs; and, if I know that HB 2 will increase property taxes by downshifting the state's responsibility to the local communities; and, if I further know that for

the legislature, the budget process may be ending, however our citizens will just be beginning to deal with the devastating effects on their lives by our actions here today, would I now press the red button because we can and we must do better for our children, our working families, our businesses and our citizens?

Rep. Jasper: Thank you, Mister Speaker. Mister Speaker, if I know that I along with many other people would have liked to have done better, would have liked to have seen more of the House position, but, Mister Speaker, if I know one thing, Mister Speaker, and that is no Committee of Conference on the budget gets signed off without the approval of the Speaker of this House; and, Mister Speaker, if I know one other thing and that is that you are not a man who capitulates; and, Mister Speaker, if I know that you signed off on a budget that you believed was the best deal that we could get and a HB 2 that was the best deal that we were going to get; and, Mister Speaker, if I know that I listened to someone up here very passionately talk about doing better, but admitting to having voted for the budget that caused us to bleed so heavily, because Mister Speaker, he said that he was afraid it was going to result in more spending if we didn't pass it, but Mister Speaker, if I know that I heard the loyal opposition say that they looked to sky for revenues and spending; and, Mister Speaker, I know there was never any danger of that budget going higher or that budget being defeated; Mister Speaker would I then do the right thing and support the Committee of Conference by pushing the green button?

MOTION TO PRINT REMARKS

Rep. Tamburello moved that the remarks made by Rep. Groen on **HB 329-FN**, requiring parental notification before abortions may be performed on unemancipated minors, be printed in the Permanent Journal.

On a division vote, 210 members having voted in the affirmative and 159 in the negative, the motion was adopted.

CLERK'S NOTE

A motion to print the entire debate on on **HB 329-FN**, requiring parental notification before abortions may be performed on unemancipated minors, was adopted and the debate can be found later in this Journal.

APPEAL OF THE RULING OF THE CHAIR

Rep. DeStefano appealed the ruling of the Chair whereby the Chair declared that the House cannot take up the Veto Message on **HB 474-FN**, relative to freedom of choice on whether to join a labor union, because it is not on the Agenda.

The question being shall the ruling of the Chair be upheld?

Reps. DeStefano and Weber spoke against.

Reps. Jasper and Chandler spoke in favor.

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 267 NAYS 101

YEAS 267

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Millham, Alida	Pilliod, James	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin
Tobin, William			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey

Brosseau, Charles
Ingbreton, Paul
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Emerton, Larry
Gandia, Laura
Gorman, Mary
Hansen, Peter
Hinck, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gargas, Carolyn
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gidge, Kenneth
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbaker, Lynne
Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence

Allen, Mary
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter

Baldasaro, Alfred
Birdsell, Regina
Comertford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Major, Norman

Manuse, Andrew
 Nevins, Chris
 Peckham, Michele
 Reichard, Kevin
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Mauro, Donna
 O'Connor, John
 Perkins, Amy
 Rice, Frederick
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

McMahon, Charles
 Okerman, Richard
 Perkins, Lawrence
 Ritter, Glenn
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Webb, James

Murphy, Brian
 Packard, Sherman
 Reagan, John
 Sanders, Elisabeth
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Welch, David

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Munck, Philip
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen, Kirsten
 O'Connor, William
 Vita, Lucien

Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie
 Weeden, Michael

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 101

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
 Hawkes, Samuel
 Parkhurst, Henry
 Weed, Charles

Carr, Daniel
 Johnsen, Gladys
 Roberts, Kris

Chase, Cynthia
 Lindsey, Steven
 Tatro, Bruce

Emerson, Susan
 Meader, David
 Weber, Lucy

COOS

Coulombe, Gary
 Theberge, Robert

Hatch, William
 Thomas, Yvonne

Merrick, Evalyn

Richardson, Herbert

GRAFTON

Aguir, James
 Harding, Laurie
 Taylor, Kathleen

Almy, Susan
 Nordgren, Sharon
 Townsend, Charles

Benn, Bernard
 Pierce, David
 White, Andrew

Gould, Franklin
 Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
 Garrity, Patrick
 Katsiantonis, Thomas
 Pilotte, Maurice
 Rokas, Ted

Brunelle, Michael
 Gimás, John
 Levasseur, Nickolas
 Porter, Marjorie
 Rosenwald, Cindy

Cote, David
 Goley, Jeffrey
 Long, Patrick
 Ramsey, Peter
 Shaw, Barbara

Daler, Jennifer
 Jeudy, Jean
 Pepino, Leo
 Rhodes, Brian
 Sullivan, Daniel

MERRIMACK

Bouchard, Candace
 Gile, Mary
 Patten, Dick
 Shurtleff, Stephen

Deloge, Helen
 Hamm, Christine
 Potter, Frances
 Wallner, Mary Jane

DeStefano, Stephen
 MacKay, James
 Rice, Chip
 Watrous, Rick

Frazer, June
 Owen, Derek
 Richardson, Gary
 Williams, Robert

ROCKINGHAM

Case, Frank
Lovejoy, Patricia
Powers, James
Schlachman, Donna

Copeland, Timothy
Moody, Marcia
Quandt, Marshall
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Quandt, Matt

Gould, Kenneth
Pantelakos, Laura
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Brown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
and the ruling of the Chair was upheld.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

MOTION TO PRINT REMARKS

Rep. Rosenwald moved that the Parliamentary Inquiry of the Speaker and the Appeal of the Ruling of the Chair debate be printed in the Permanent Journal.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 333 NAYS 36**YEAS 333****BELKNAP**

Accornero, Harry
Greemore, Robert
Pilliod, James
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey

Flanders, Donald
Malone, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Butynski, William
Dwinell, Richard
Johnsen, Gladys
Moore, Charles
Smith, Edwin
Weed, Charles

Byrnes, John
Emerson, Susan
Johnson, Jane
Moore, Robert Jr
Sterling, Franklin Jr

Carr, Daniel
Hawkes, Samuel
Lindsey, Steven
Parkhurst, Henry
Tatro, Bruce

Chase, Cynthia
Hunt, John
Meador, David
Roberts, Kris
Weber, Lucy

COOS

Coulombe, Gary
Richardson, Herbert
Tremblay, Marc

Daugherty, Duffy
Theberge, Robert

Hatch, William
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

GRAFTON

Almy, Susan
Eaton, Stephanie
Mirski, Paul
Shackett, Jeffrey
Taylor, Kathleen

Benn, Bernard
Gionet, Edmond
Nordgren, Sharon
Simard, Paul
Townsend, Charles

Brosseau, Charles
Harding, Laurie
Pierce, David
Smith, Suzanne
White, Andrew

Bulis, Lyle
Ingbretson, Paul
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Baroody, Benjamin
Barry, J. Gail	Barry, Richard	Beattie, Thomas	Belanger, James
Belvin, William	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Brunelle, Michael	Burt, John	Buxton, Michael	Campbell, David
Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Condra, William	Cote, David	Coughlin, Sean
Cusson-Cail, Kathleen	Daler, Jennifer	Daniels, Gary	Day, Russell
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Emerton, Larry	Erickson, Duane	Fredette, Robert	Gagne, Larry
Gandia, Laura	Gargas, Carolyn	Garritty, Patrick	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hopper, Gary	Hutchinson, Winfred	Infantine, William
Jasper, Shawn	Judy, Jean	Katsiantonis, Thomas	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	Levasseur, Nickolas
Long, Patrick	Maltz, Jonathan	Marcus, Bruce	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Moran, Edward	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Pepino, Leo
Pilotte, Maurice	Porter, Marjorie	Pratt, Calvin	Proulx, Mark
Ramsey, Peter	Renzullo, Andrew	Rhodes, Brian	Robbins, David
Rokas, Ted	Rosenwald, Cindy	Rowe, Robert	Scotsas, Lisa
Seidel, Carl	Shaw, Barbara	Silva, Peter	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Sullivan, Daniel	Summers, James	Thomas, Joseph	Ulery, Jordan
Whitehead, Randall			

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Cohn, Seth
Cox, Sean	Deloge, Helen	DeStefano, Stephen	Frazer, June
Gile, Mary	Giuda, J. Brandon	Hamm, Christine	Hess, David
Hill, Gregory	Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr
Lindsley, Mark	MacKay, James	McDonnell, John	McGuire, Carol
McGuire, Dan	Owen, Derek	Palfrey, David	Patten, Dick
Potter, Frances	Reed, Dennis	Rice, Chip	Richardson, Gary
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Shurtleff, Stephen
Smith, Molly	Smith, Todd	Wallner, Mary Jane	Watrous, Rick
Williams, Robert	Winter, Steven		

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Brown, Paul	Cali-Pitts, Jacqueline	Case, Frank	Copeland, Timothy
Davenport, Joshua	Devine, James	DiPentima, Rich	Dowling, Patricia
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Introne, Robert	Itse, Daniel	Kappler, Lawrence
Katsakiores, Phyllis	Kolodziej, Walter	Lovejoy, Patricia	Major, Norman
Manuse, Andrew	Mauro, Donna	McMahon, Charles	Moody, Marcia
Murphy, Brian	Nevins, Chris	Norelli, Terie	O'Connor, John
Okerman, Richard	Packard, Sherman	Pantelakos, Laura	Peckham, Michele
Perkins, Amy	Perkins, Lawrence	Powers, James	Quandt, Marshall
Quandt, Matt	Read, Robin Jr	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Schlachman, Donna

Sedensky, John
Sullivan, James
Tasker, Kyle
Webb, James

Serlin, Christopher
Sullivan, Kevin
Tucker, Pamela
Welch, David

Sheffert, Kenneth
Sytek, John
Waddell, James
Weyler, Kenneth

Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

STRAFFORD

Andolina, Donald
Cataldo, Sam
Groen, Warren
Jones, Laura
Leonard, Frederick Jr
Pelletier, Marsha
Spainhower, Dale
Watters, David

Berube, Roger
DeLemus, Susan
Hooper, Dorothea
Kaen, Naida
Munck, Philip
Pitre, Joseph
Spang, Judith
Weeden, Michael

Brown, Julie
Ginsburg, Philip
Horrigan, Timothy
Keans, Sandra
Newton, Clifford
Roberts, Jenna
Sprague, Dale

Browne, Brendon
Grassie, Anne
Jones, Kyle
Larsen, Kirsten
O'Connor, William
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
LaCasse, Paul Sr
Osgood, Joe

Cunningham, Steven
Laware, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

Howard, Thomas
Lovett, Charlene
Smith, Steven

NAYS 36

BELKNAP

Comtois, Guy

Millham, Alida

Russell, David

CARROLL

None

CHESHIRE

Cartwright, Anne

COOS

Rappaport, Laurence

Remick, William

GRAFTON

Aguiar, James

Bradley, Lester

Gould, Franklin

Sorg, Gregory

HILLSBOROUGH

Bergevin, Jerry
Murphy, Keith
Vaillancourt, Steve

Holden, Frank
Peterson, Lenette
Villeneuve, Moe

McCarthy, Michael
Swank, Matthew
Warden, Mark

Messier, Irene
Twombly, Timothy
Willette, Robert

MERRIMACK

Keane, Thomas

Lockwood, Priscilla

ROCKINGHAM

Charron, Gene
Hoelzel, Kathleen

Chirichiello, Brian
Smith, William

DeSimone, Debra
Tremblay, Stella

Gould, Kenneth
Waterhouse, Kevin

STRAFFORD

Parsons, Robbie

Vita, Carol

Vita, Lucien

SULLIVAN

Bowers, Spec
and the motion was adopted.

INQUIRY

Rep. Weber: Mister Speaker, where in our House Rules does it require that a veto be placed on an agenda rather than in the House calendar where the veto message has been published for a number of weeks?

Speaker O'Brien: Again, this question keeps on coming up. I harken you back, Representative, to your presence on the House floor when the minority leader made the same ruling with regards to the medical marijuana veto bill. It established precedence in this House that the Speaker places the veto on the agenda. [Senate messages.] What is your further inquiry?

Rep. Weber: Further inquiry, Mister Speaker. Were the House Rules, as adopted this year, not changed to say that the House Rules themselves, as printed, control over House precedent and is it not true that there is no mention in House Rules of an agenda, there is only a mention in House Rules of a calendar?

Speaker O'Brien: We are not inconsistent and the ruling of the Chair is not inconsistent with House Rules. The Chair recognizes the House Clerk for a Senate Message. For what reason does the member rise?

Rep. DeStefano: I want to appeal the decision.

Speaker O'Brien: Which decision?

Rep. DeStefano: The one that you just made.

Speaker O'Brien: Could you restate the decision? Could you restate the decision, Representative, that you challenge?

Rep. DeStefano: I am challenging the decision that you just made for Representative Weber.

Speaker O'Brien: The question before the House is shall the ruling of the Chair relative to the setting of the agenda be sustained? Are you ready for the question?

Rep. DeStefano: This is a debatable issue.

Speaker O'Brien: Do you wish to be heard on your challenge? You can be heard on your challenge.

Rep. DeStefano: Thank you, Mister Speaker. About a year ago, Mister Speaker, a very wise State Representative from Mont Vernon stood up here in May and there was a veto message in front of the House and it was in the calendar and he made two points. The first was Part II, Article 44 of the Constitution states that when a bill is vetoed, it shall be returned the legislative body from once it came who shall then enter the veto message into their House Journal and proceed to consider it. The second point, Section 755, Part 3 of Mason's states, "Legislation returned by the Executive with objections is usually considered promptly." After those statements were made, the Speaker of the House agreed with that Representative and we voted on that veto message. So my question, Mister Speaker, is can we do that now?

Speaker O'Brien: Have you concluded your remarks, Representative?

Rep. DeStefano: Yes I have.

Speaker O'Brien: The Chair recognizes the member from Hudson, Rep. Jasper to speak on the challenge.

Rep. Jasper: Thank you, Mister Speaker.

Speaker O'Brien: You are called to order, Representative (DeStefano), if you have concluded your remarks. You may proceed.

Rep. Jasper: Thank you, Mister Speaker. As we have discussed and you have ruled before, the veto is in the possession of the Speaker and it is within the prerogative of the Speaker to decide when the vote comes to the House. I think that is proper. That is the way it has always been done to the best of my recollection and it is certainly the proper way to conduct the business of the House. I would strongly urge the House to uphold the ruling of the Speaker. Thank you.

Speaker O'Brien: For what reason does the member rise? You are recognized to speak to the motion.

Rep. Weber: Thank you, Mister Speaker. With respect to the challenge on publishing matters in an agenda before they can be voted on by this House, I don't remember any practice and precedent ever cited including on this issue except for two weeks ago when it was stated that something must be published in an agenda. Our Rules which specifically control over practice and precedent, speak to publishing of veto messages in the House Calendar which has been done. I don't know what the agenda is or what rule the agenda is referred to in, but I know that our House Rules do not refer to agendas. The House Rules control over practice and precedent and whatever agenda we are speaking about is not distributed either to members of this House or to members of the public so no one other than recipients of whatever agenda we are talking about would have any knowledge of what was to be decided by this body today and that would violate both our House Rules and our Constitution, Mister Speaker. I ask that the body vote to sustain the Constitution, sustain our House Rules and not sustain the ruling of the Chair. Thank you.

Speaker O'Brien: The Chair takes the question. The Chair recognizes the member from Bartlett, Rep. Chandler to speak to the challenge.

Rep. Chandler: Thank you, Mister Speaker. I would only state that I realize this is a very emotional issue. Both sides are trying to make a point about when they want a vote on this matter to take place. I can only tell you that I think it was back in 2003 when I happened to be in that position where the Speaker is presently and much to the Clerk's great consternation and argument with me, I took up vetoes in January, the first morning we came back to start the second year of the Session. I can only tell you that it is the prerogative, it always has been, of the Speaker to do the veto when he sees fit. Thank you.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 25-FN-A, making appropriations for capital improvements.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 25-FN-A, making appropriations for capital improvements. (Report printed SJ 6-22-11)
Committee of Conference Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation. (Report printed SJ 6-22-11)
Committee of Conference Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 131, relative to indemnification of volunteers performing duties in the state park system.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 131, relative to indemnification of volunteers performing duties in the state park system. (Report printed SJ 6-22-11)
Committee of Conference Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 248, establishing a commission to study business regulations in New Hampshire.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 248, establishing a commission to study business regulations in New Hampshire. (Report printed SJ 6-22-11)
Committee of Conference Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 299-FN, relative to the method of financing for the judicial retirement plan.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 299-FN, relative to the method of financing for the judicial retirement plan. (Report printed SJ 6-22-11)
Committee of Conference Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 337-FN-L, relative to the calculations and distribution of adequate education grants.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 337-FN-L, relative to the calculations and distribution of adequate education grants. (Report printed SJ 6-22-11)

Rep. Lynne Ober spoke in favor.

Rep. Gary Richardson spoke against and requested a roll call; sufficiently seconded.

YEAS 249 NAYS 102**YEAS 249****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Babson, David Jr
Morrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

McCarthy, Frank
Pettengill, Laurie

McConkey, Mark
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Roberts, Kris

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

Tremblay, Marc

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey
Sova, Charles

Brosseau, Charles
Ingbreton, Paul
Simard, Paul

Bulis, Lyle
Mirski, Paul
Smith, Suzanne

Eaton, Stephanie
Reilly, Harold Sr
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Emerton, Larry
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Summers, James
Ulery, Jordan

Ball, J. Michael
Belvin, William
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scontsas, Lisa
Stepanek, Stephen
Thomas, Joseph
Whitehead, Randall

Barry, Richard
Brown, Kevin
Champagne, Norma
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stroud, Kathleen
Twombly, Timothy

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Case, Frank
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Sedensky, John
Sullivan, James
Tasker, Kyle
Waterhouse, Kevin

Allen, Mary
Bettencourt, David
Charron, Gene
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Quandt, Marshall
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Itse, Daniel
Major, Norman
Murphy, Brian
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Ward, Joanne

STRAFFORD

Andolina, Donald
Groen, Warren
Leonard, Frederick Jr
Pitre, Joseph

Brown, Julie
Jones, Kyle
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Lucien

DeLemus, Susan
Larsen, Kirsten
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 102**BELKNAP**

None

CARROLL

Fleck, Joseph

Scala, Dino

CHESHIRE

Butynski, William
Johnsen, Gladys
Tatro, Bruce

Carr, Daniel
Lindsey, Steven
Weber, Lucy

Chase, Cynthia
Meader, David
Weed, Charles

Hawkes, Samuel
Parkhurst, Henry

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Richardson, Herbert

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Taylor, Kathleen

Almy, Susan
Ladd, Rick Jr
Townsend, Charles

Benn, Bernard
Nordgren, Sharon
White, Andrew

Gould, Franklin
Pierce, David

HILLSBOROUGH

Balboni, Michael
Cote, David
Gimas, John
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted
Sullivan, Daniel

Baroody, Benjamin
Daler, Jennifer
Goley, Jeffrey
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy
Vaillancourt, Steve

Bergevin, Jerry
Garrity, Patrick
Gorman, Mary
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Infantine, William
Long, Patrick
Rhodes, Brian
Souza, Kathleen

MERRIMACK

Bouchard, Candace
Gile, Mary
Owen, Derek
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
Patten, Dick
Watrous, Rick

DeStefano, Stephen
Hess, David
Potter, Frances
Williams, Robert

Frazer, June
Mackay, James
Richardson, Gary

ROCKINGHAM

Bates, David
Moody, Marcia
Read, Robin Jr

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

STRAFFORD

Berube, Roger
Hooper, Dorothea
Munck, Philip
Spainhower, Dale
Watters, David

Browne, Brendon
Horrigan, Timothy
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Sprague, Dale

Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the Committee of Conference Report was adopted.

Rep. Chandler did not vote and notified the Clerk that he wished to be recorded in favor.

SENATE MESSAGE**ADOPTION OF COMMITTEE OF CONFERENCE REPORT**

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. (Report printed SJ 6-22-11)

Rep. Lambert spoke against and yielded to questions.

Reps. Hawkins and Kurk spoke in favor and yielded to questions.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 203 NAYS 155**YEAS 203****BELKNAP**

Bolster, Peter
Millham, Alida

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

Kingsbury, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Umberger, Karen

Babson, David Jr
McConkey, Mark

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Schmidt, Stephen

CHESHIRE

Butynski, William
Dwinell, Richard
Johnson, Jane
Roberts, Kris

Bymes, John
Emerson, Susan
Lindsey, Steven
Smith, Edwin

Carr, Daniel
Hawkes, Samuel
Meader, David
Tatro, Bruce

Chase, Cynthia
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Daugherty, Duffy
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Rappaport, Laurence

Remick, William

GRAFTON

Aguiar, James
Bulis, Lyle
Ingbreton, Paul
Smith, Suzanne
White, Andrew

Almy, Susan
Gionet, Edmond
Nordgren, Sharon
Sorg, Gregory

Benn, Bernard
Gould, Franklin
Pierce, David
Taylor, Kathleen

Brosseau, Charles
Harding, Laurie
Shackett, Jeffrey
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Bergevin, Jerry
Cebrowski, John
Cote, David
Donovan, Daniel
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Infantino, William
Krasucki, Joseph
Moran, Edward
Pilotte, Maurice
Robbins, David
Seidel, Carl
Stepanek, Stephen
Villeneuve, Moe

Baroody, Benjamin
Boehm, Ralph
Christiansen, Lars
Coughlin, Sean
Emerton, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Kurk, Neal
Palmer, Barry
Porter, Marjorie
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Whitehead, Randall

Barry, J. Gail
Brunelle, Michael
Coffey, James
Daler, Jennifer
Gargas, Carolyn
Gorman, Mary
Hardwick, Harry
Hopper, Gary
Judy, Jean
Marcus, Bruce
Pellegrino, Tony
Renzullo, Andrew
Rosenwald, Cindy
Silva, Peter
Thomas, Joseph

Belvin, William
Campbell, David
Condra, William
Doherty, Shaun
Gimas, John
Graham, John
Hawkins, Kenneth
Hutchinson, Winfred
Katsiantonis, Thomas
Messier, Irene
Pepino, Leo
Rhodes, Brian
Rowe, Robert
Souza, Kathleen
Ulery, Jordan

MERRIMACK

Blankenkoper, Lynne
Frazer, June
Kidder, David
MacKay, James
Patten, Dick
Richardson, Gary
Watrous, Rick

Bouchard, Candace
Gile, Mary
Kotowski, Frank
McDonnell, John
Potter, Frances
Richardson, Jon
Williams, Robert

Deloge, Helen
Hamm, Christine
Lindsley, Mark
Owen, Derek
Reed, Dennis
Shurtleff, Stephen
Winter, Steven

DeStefano, Stephen
Hess, David
Lockwood, Priscilla
Palfrey, David
Rice, Chip
Wallner, Mary Jane

ROCKINGHAM

Azarian, Gary
Case, Frank
Elliott, Robert
Griffin, Mary
Major, Norman
Norelli, Terie
Read, Robin Jr
Schlachman, Donna
Smith, William
Weyler, Kenneth

Belanger, Ronald
Devine, James
Ferrante, Beverly
Hagan, Joseph
McMahon, Charles
Packard, Sherman
Reagan, John
Sedensky, John
Tucker, Pamela

Bettencourt, David
DiPentima, Rich
Garrity, James
Headd, James
Moody, Marcia
Pantelakos, Laura
Rice, Frederick
Serlin, Christopher
Waterhouse, Kevin

Cali-Pitts, Jacqueline
Dowling, Patricia
Gould, Kenneth
Kappler, Lawrence
Nevins, Chris
Quandt, Marshall
Sanders, Elisabeth
Shuler, Wyman III
Welch, David

STRAFFORD

Andolina, Donald
Ginsburg, Philip

Brown, Julie
Grassie, Anne

Browne, Brendon
Groen, Warren

Cataldo, Sam
Hooper, Dorothea

Keans, Sandra
Spang, Judith

Newton, Clifford
Sprague, Dale

Schmidt, Peter
Wall, Janet

Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Rodeschin, Beverly

NAYS 155

BELKNAP

Accornero, Harry
Malone, Robert
Tobin, William

Comtois, Guy
Pilliod, James

Greemore, Robert
Simpson, Tyler

Luther, Robert
Swinford, Elaine

CARROLL

McCarthy, Frank
Tregenza, Norman

Merrow, Harry

Pettengill, Laurie

Scala, Dino

CHESHIRE

Cartwright, Anne
Weed, Charles

Hunt, John

Moore, Robert Jr

Sterling, Franklin Jr

COOS

Coulombe, Gary

Richardson, Herbert

Thomas, Yvonne

Tremblay, Marc

GRAFTON

Bradley, Lester
Reilly, Harold Sr

Eaton, Stephanie
Simard, Paul

Ladd, Rick Jr
Sova, Charles

Mirski, Paul

HILLSBOROUGH

Avard, Kevin
Brown, Kevin
Christensen, D.L. Chris
DeJong, Cameron
Gandia, Laura
Hikel, John
Long, Patrick
McGuinness, Sean
Ober, Lynne
Parison, James
Ramsey, Peter
Summers, James
Willette, Robert

Ball, J. Michael
Burt, John
Cusson-Cail, Kathleen
Erickson, Duane
Garrity, Patrick
Holden, Frank
Maltz, Jonathan
Mecheski, Holly
Ober, Russell III
Peterson, Lenette
Scontsas, Lisa
Swank, Matthew

Barry, Richard
Buxton, Michael
Daniels, Gary
Fredette, Robert
Gidge, Kenneth
Lambert, George
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Soucy, Connie
Twombly, Timothy

Belanger, James
Champagne, Norma
Day, Russell
Gagne, Larry
Greazzo, Phil
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
McGuire, Dan
Smith, Todd

Cox, Sean
Keane, Thomas
Sanborn, Laurie

Giuda, J. Brandon
Kreis, Kenneth Sr
Seaworth, G. Brian

Hill, Gregory
McGuire, Carol
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Copeland, Timothy
Fesh, Robert
Katsakiores, Phyllis
Mauro, Donna
Peckham, Michele

Allen, Mary
Brown, Paul
Davenport, Joshua
Garcia, Marilinda
Kolodziej, Walter
Murphy, Brian
Powers, James

Baldasaro, Alfred
Charron, Gene
DeSimone, Debra
Hoelzel, Kathleen
Lovejoy, Patricia
O'Connor, John
Quandt, Matt

Bates, David
Chirichiello, Brian
Duarte, Joe
Itse, Daniel
Manuse, Andrew
Okerman, Richard
Reichard, Kevin

Ritter, Glenn
Sytek, John
Ward, Joanne

Sheffert, Kenneth
Tamburello, Daniel
Webb, James

Sullivan, James
Tasker, Kyle

Sullivan, Kevin
Tremblay, Stella

STRAFFORD

Berube, Roger
Jones, Laura
Munck, Philip
Pitre, Joseph
Weeden, Michael

DeLemus, Susan
Kaen, Naida
O'Connor, William
Roberts, Jenna

Horrigan, Timothy
Larsen, Kirsten
Parsons, Robbie
Vita, Carol

Jones, Kyle
Leonard, Frederick Jr
Pelletier, Marsha
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Smith, Steven

and the Committee of Conference Report was adopted.

The House recessed at 4:55 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 5:00 p.m.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (Report printed SJ 6-22-11)
Committee of Conference Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. (Report printed SJ 6-22-11)
Committee of Conference Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 483-FN-L, relative to mosquito control.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 483-FN-L, relative to mosquito control. (Report printed SJ 6-22-11)
Committee of Conference Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 542-FN, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed. (Report printed SJ 6-22-11)

Rep. Gorman spoke against.

Rep. Balboni spoke in favor.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 240 NAYS 108

YEAS 240

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Gould, Franklin
Shackett, Jeffrey

Bulis, Lyle
Ingbreton, Paul
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scoutsas, Lisa
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brown, Kevin
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Ball, J. Michael
Belvin, William
Burt, John
Coffey, James
Day, Russell
Emerton, Larry
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Summers, James
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory

Coffey, Jennifer
Keane, Thomas

Cox, Sean
Kotowski, Frank

Hess, David
Kreis, Kenneth Sr

Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

McDonnell, John
Reed, Dennis
Smith, Molly

McGuire, Carol
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
DeSimone, Debra
Elliott, Robert
Garrry, James
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

Allen, Mary
Belanger, Ronald
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Major, Norman
Nevins, Chris
Peckham, Michele
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Manuse, Andrew
O'Connor, John
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Waterhouse, Kevin

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Mauro, Donna
Okerman, Richard
Reichard, Kevin
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Cataldo, Sam
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 108

BELKNAP

None

CARROLL

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Johnsen, Gladys
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Emerson, Susan
Meader, David
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Ladd, Rick Jr
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Taylor, Kathleen

Benn, Bernard
Pierce, David
Townsend, Charles

Harding, Laurie
Simard, Paul
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David

Brunelle, Michael
Daler, Jennifer

Campbell, David
Gargasz, Carolyn

Condra, William
Garrry, Patrick

Gidge, Kenneth
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

Gimas, John
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy

Gorman, Mary
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Jeudy, Jean
Murphy, Keith
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Rice, Chip
Watrous, Rick

Deloge, Helen
Hamm, Christine
Owen, Derek
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hoell, J.R.
Patten, Dick
Shurtleff, Stephen

Frazer, June
Kidder, David
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Powers, James
Serlin, Christopher

Charron, Gene
Moody, Marcia
Quandt, Marshall

DiPentima, Rich
Norelli, Terie
Read, Robin Jr

Gould, Kenneth
Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Hooper, Dorothea
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Horrigan, Timothy
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Jones, Laura
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the Committee of Conference Report was adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 601-FN, relative to implementation of federal health care reform.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 601-FN, relative to implementation of federal health care reform. (Report printed SJ 6-22-11)

Reps. Weber and Rosenwald spoke against.

Rep. Hunt spoke in favor.

Rep. Rosenwald requested a roll call; sufficiently seconded.

YEAS 254 NAYS 96

YEAS 254

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey
Taylor, Kathleen

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Coffey, James
Daniels, Gary
Donovan, Daniel
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parlison, James
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Summers, James
Vaillancourt, Steve

Balboni, Michael
Belanger, James
Brown, Kevin
Condra, William
Day, Russell
Erickson, Duane
Gidge, Kenneth
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scotsas, Lisa
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belvin, William
Burt, John
Coughlin, Sean
DeJong, Cameron
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Cusson-Cail, Kathleen
Doherty, Shaun
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan

MERRIMACK

Blankenkaker, Lynne
Hess, David
Kidder, David
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Cox, Sean
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

Allen, Mary
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Major, Norman
Murphy, Brian
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Sedensky, John
Sullivan, James
Tasker, Kyle
Waterhouse, Kevin

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Quandt, Marshall
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
DeLemus, Susan
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Berube, Roger
Groen, Warren
Munck, Philip
Pitre, Joseph

Brown, Julie
Jones, Laura
Newton, Clifford
Vita, Carol

Cataldo, Sam
Larsen, Kirsten
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

**NAYS 96
BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Johnsen, Gladys
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Emerson, Susan
Meader, David
Weber, Lucy

COOS

Coulombe, Gary

Merrick, Evalyn

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguar, James
Harding, Laurie
Townsend, Charles

Almy, Susan
Nordgren, Sharon
White, Andrew

Benn, Bernard
Pierce, David

Gould, Franklin
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gimas, John
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Campbell, David
Daler, Jennifer
Gorman, Mary
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Christensen, D.L. Chris
Gargas, Carolyn
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted

Christiansen, Lars
Garritty, Patrick
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
MacKay, James
Rice, Chip
Watrous, Rick

Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Powers, James

DiPentima, Rich
Moody, Marcia
Read, Robin Jr

Dowling, Patricia
Norelli, Terie
Schlachman, Donna

Gould, Kenneth
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the Committee of Conference Report was adopted.

SENATE MESSAGE**ADOPTION OF COMMITTEE OF CONFERENCE REPORT**

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. (Report printed SJ 6-22-11)

Rep. Dan McGuire spoke against.

Rep. Stepanek spoke in favor.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 247 NAYS 101**YEAS 247****BELKNAP**

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	St. Cyr, Jeffrey	Tilton, Franklin
Tobin, William			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Knox, J. David
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Schmidt, Stephen	Tregenza, Norman	Umberger, Karen	

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Chase, Cynthia
Dwinell, Richard	Emerson, Susan	Hunt, John	Johnsen, Gladys
Johnson, Jane	Meador, David	Moore, Robert Jr	Parkhurst, Henry
Roberts, Kris	Smith, Edwin	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Daugherty, Duffy	Merrick, Evalyn	Remick, William
Theberge, Robert	Thomas, Yvonne	Tremblay, Marc	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Buliis, Lyle
Eaton, Stephanie	Gionet, Edmond	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Nordgren, Sharon	Pierce, David	Reilly, Harold Sr
Simard, Paul	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Avard, Kevin	Baroody, Benjamin	Barry, J. Gail	Belanger, James
Boehm, Ralph	Brown, Kevin	Brunelle, Michael	Buxton, Michael
Campbell, David	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Cote, David	Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell
Doherty, Shaun	Emerton, Larry	Fredette, Robert	Gagne, Larry
Gargas, Carolyn	Garrity, Patrick	Gidge, Kenneth	Jimas, John
Gonzalez, Carlos	Gorman, Mary	Graham, John	Haefner, Robert
Hardwick, Harry	Hawkins, Kenneth	Hinch, Richard	Hogan, Edith

Holden, Frank
 Jeudy, Jean
 Long, Patrick
 Moran, Edward
 Ohm, Bill
 Peterson, Lenette
 Ramsey, Peter
 Rosenwald, Cindy
 Shaw, Barbara
 Stroud, Kathleen
 Ulerly, Jordan

Hutchinson, Winfred
 Katsiantonis, Thomas
 Maltz, Jonathan
 Notter, Jeanine
 Palmer, Barry
 Pilotte, Maurice
 Rhodes, Brian
 Rowe, Robert
 Silva, Peter
 Sullivan, Daniel
 Villeneuve, Moe

Infantine, William
 Kurk, Neal
 McCarthy, Michael
 Ober, Lynne
 Parison, James
 Porter, Marjorie
 Robbins, David
 Scotsas, Lisa
 Soucy, Connie
 Thomas, Joseph
 Whitehead, Randall

Jasper, Shawn
 Levasseur, Nickolas
 McClarren, Donald
 Ober, Russell III
 Pellegrino, Tony
 Proulx, Mark
 Rokas, Ted
 Seidel, Carl
 Stepanek, Stephen
 Twombly, Timothy

MERRIMACK

Blankenkoper, Lynne
 Frazer, June
 Hess, David
 Kreis, Kenneth Sr
 Owen, Derek
 Rice, Chip
 Wallner, Mary Jane

Bouchard, Candace
 Gile, Mary
 Hill, Gregory
 Lockwood, Priscilla
 Patten, Dick
 Richardson, Gary
 Williams, Robert

Deloge, Helen
 Giuda, J. Brandon
 Kidder, David
 MacKay, James
 Potter, Frances
 Sanborn, Laurie
 Winter, Steven

DeStefano, Stephen
 Hamm, Christine
 Kotowski, Frank
 McDonnell, John
 Reed, Dennis
 Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
 Bettencourt, David
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Katsakiores, Phyllis
 Moody, Marcia
 Packard, Sherman
 Quandt, Marshall
 Sanders, Elisabeth
 Sullivan, Kevin
 Webb, James

Allen, Mary
 Cali-Pitts, Jacqueline
 DiPentima, Rich
 Fesh, Robert
 Headd, James
 Lovejoy, Patricia
 Murphy, Brian
 Pantelakos, Laura
 Quandt, Matt
 Schlachman, Donna
 Tucker, Pamela
 Welch, David

Azarian, Gary
 Charron, Gene
 Dowling, Patricia
 Garcia, Marilinda
 Hoelzel, Kathleen
 Major, Norman
 Norelli, Terie
 Peckham, Michele
 Read, Robin Jr
 Sedensky, John
 Ward, Joanne
 Weyler, Kenneth

Belanger, Ronald
 Copeland, Timothy
 Elliott, Robert
 Garrity, James
 Kappler, Lawrence
 McMahon, Charles
 O'Connor, John
 Powers, James
 Rice, Frederick
 Serlin, Christopher
 Waterhouse, Kevin

STRAFFORD

Berube, Roger
 DeLemus, Susan
 Jones, Laura
 O'Connor, William
 Schmidt, Peter
 Vita, Lucien

Brown, Julie
 Grassie, Anne
 Kaen, Naida
 Pelletier, Marsha
 Spainhower, Dale
 Wall, Janet

Browne, Brendon
 Hooper, Dorothea
 Keans, Sandra
 Pitre, Joseph
 Spang, Judith
 Watters, David

Cataldo, Sam
 Horrigan, Timothy
 Munck, Philip
 Roberts, Jenna
 Vita, Carol
 Weeden, Michael

SULLIVAN

Cloutier, John
 Lovett, Charlene
 Smith, Steven

Gagnon, Raymond
 Osgood, Joe

Howard, Thomas
 Rodeschin, Beverly

Lefebvre, Benjamin
 Schmidt, Andrew

NAYS 101

BELKNAP

Comtois, Guy

Kingsbury, Robert

Simpson, Tyler

Swinford, Elaine

CARROLL

Fleck, Joseph

Pettengill, Laurie

Scala, Dino

CHESHIRE

Cartwright, Anne

Hawkes, Samuel

Lindsey, Steven

Sterling, Franklin Jr

COOS

Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
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GRAFTON

Bradley, Lester	Brosseau, Charles	Ingbretson, Paul	Mirski, Paul
Shackett, Jeffrey	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Barry, Richard	Belvin, William
Bergevin, Jerry	Burt, John	Condra, William	Coughlin, Sean
Daniels, Gary	DeJong, Cameron	Donovan, Daniel	Erickson, Duane
Gandia, Laura	Greazzo, Phil	Hansen, Peter	Hikel, John
Hopper, Gary	Krasucki, Joseph	Lambert, George	LeBrun, Donald
McGuinness, Sean	Messier, Irene	Murphy, Keith	Palmer, Stephen
Pepino, Leo	Pratt, Calvin	Renzullo, Andrew	Souza, Kathleen
Summers, James	Vaillancourt, Steve	Willette, Robert	

MERRIMACK

Coffey, Jennifer	Cox, Sean	Hoell, J.R.	Keane, Thomas
Lindsley, Mark	McGuire, Carol	McGuire, Dan	Palfrey, David
Richardson, Jon	Seaworth, G. Brian	Smith, Molly	Smith, Todd
Watrous, Rick			

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Birdsell, Regina	Brown, Paul
Chirichiello, Brian	Davenport, Joshua	DeSimone, Debra	Duarte, Joe
Gould, Kenneth	Hagan, Joseph	Itse, Daniel	Kolodziej, Walter
Manuse, Andrew	Mauro, Donna	Nevins, Chris	Okerman, Richard
Reagan, John	Reichard, Kevin	Ritter, Glenn	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sytek, John
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	

STRAFFORD

Andolina, Donald	Ginsburg, Philip	Groen, Warren	Leonard, Frederick Jr
Parsons, Robbie			

SULLIVAN

Bowers, Spec	Cunningham, Steven	LaCasse, Paul Sr	Laware, Thomas
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and the Committee of Conference Report was adopted.

SENATE MESSAGE**ADOPTION OF COMMITTEE OF CONFERENCE REPORT**

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. (Report printed SJ 6-22-11)
Committee of Conference Report adopted.

SENATE MESSAGE

The Senate has voted to override the Governor's veto on the following bills:

HB 109, relative to residential fire sprinklers.

HB 133, relative to the minimum wage.

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors.

MOTION TO PRINT DEBATE

Rep. Jasper moved that the entire debate on **HB 329-FN**, requiring parental notification before abortions may be performed on unemancipated minors, be printed in the Permanent Journal. Adopted.

DEBATE ON HB 329-FN

Rep. Rowe: I thank you, Mister Speaker. Mister Speaker, I bring great joy. Everyone that is going to speak on this bill, on the override, has agreed to speak less than three minutes and only address issues mentioned in the Governor's veto message. So this will be short. I will address the procedural issue. The others will address substantive. I would like you to turn, if you look at the message, I will read it, "If the legislature works with me on this change and the other limited, common sense changes outlined in this message, I would sign parental notification legislation." As Chairman of the House Judiciary Committee, I run a very open and inclusive Committee. I try to bring everyone to the table, listen to everyone and hopefully bring consensus. This is important and in this bill, I did, but, "If the legislature works with me." The Governor or any of his representatives never showed. Had they showed and given suggestions or amendments, we probably would have accepted them. I don't know what they are, no one came forth. This is one sentence in here that is nothing more than a smokescreen and I'm sorry to see it end there. It's an insult to anyone that tries to work with both parties. I encourage you to vote green. Thank you.

Rep. Giuda: Thank you, Mister Speaker. I was proud to give the majority report on this bill when it passed this body and I'm proud to stand here today to ask you to override the Governor's veto. I can guarantee that the Committee thoughtfully considered every concern raised in the Governor's veto and it is in the bill. We passed this pro-family, pro-parent and pro-child legislation by a wide margin and I say let's show the Governor that we mean business. I just want to address the Governor's three issues. The Governor stated that he wanted to see an exception made for victims of rape, incest or abuse. However, this bill already has a broader exception so that a child that is not comfortable with her parent or guardian being notified for any reason, including rape, incest or abuse, can seek judicial approval by a simple bypass. It's already in the bill and the Governor knows it. That objection is a smokescreen. Further, no U.S. Supreme Court decision on a case such as this required an exception that the Governor talks about because our exception is already broader. And finally, rape, incest and abuse are crimes. By requiring the involvement of either a parent or a court, these crimes will now be recorded, something that's not happening now. Second, the Governor wanted to change the language "substantial and irreversible" with regards to a physicians' judgment. He called it "unworkable, complex and too narrow." Well, Governor the U.S. Supreme Court disagrees. Justice O'Connor rejects that exact language in *Planned Parenthood vs. Casey*, 1992 and said, "The medical emergency definition imposes no undue burden on a woman's abortion right." If it passes the U.S. Supreme Court, it certainly should pass our muster. Finally, the Governor is worried that abortion providers who fail to comply with the law may be subject to criminal or civil penalties and that the guidelines are unclear. Another smokescreen, a ridiculous smokescreen. Do we really believe that doctors who've completed higher education can't comply with the parental notification law? If you believe that, then I'll help you by providing you with the first step. Notify the parent. It's not hard, it's very simple. This excellent bill brings New Hampshire in line with 43 other states that require either notification or some actually require consent. If you believe that children need their parents involved in these monumental life decisions, then support this bill again and support the override and let's make it law. I ask you to support the House and Senate position, join the 43 other states in reinforcing parent's rights and protecting children. Thank you.

Rep. Chase: Thank you, Mister Speaker. Respected colleagues, I rise in support of the Governor's veto of HB 329 and I ask you to consider sustaining this veto as well. I have watched with great interest the email exchanges that have gone on for nearly a week now. Most messages have come from a mostly small geographical area within our state asking, no demanding, that I vote to override the veto. I cannot do this. It is important to point out that the vast majority of New Hampshire families provide loving and stable homes for their children. This law does not apply to those families. Children in crisis from such homes will turn to their parents who have provided for and protected them since birth. They do not need this law. Sadly, not every home is a wonderful home or a loving home. Some homes are abusive even sexually abusive. Some children are coerced into having sex with family members. Sexual abuse is real. It happens in New Hampshire. It happens in New England and it happens all over this country. It is not just an inner-city issue. It's not a class issue

either. It happens in religious homes and secular homes. It could be happening in your town and even on your street. Here are just three examples that I have personally dealt with in my professional career. No, I cannot give you any more details. These cases are governed by federal privacy regulations, but here is case one. A girl removed from her home when she was three, was bounced around between several foster homes and a failed adoption. She was sexually assaulted by a male living in her foster home when she was eight years old. A potential adoptive father raped her at fourteen. Who would this girl report to for permission to have an abortion? Case number two. A young high school student reported that her father forced her to have sex with him so she would "Know what it feels like." Had she needed an abortion, how supportive would this father likely have been? Case number three. Two brothers, age 15 and 13, were pimping their six-grade sister to make money. The school found out about it when the school nurse suspected that the young girl was pregnant. Her normally high grades had plummeted and she was becoming anorexic because she thought her stomach was too fat. This is reality; it's not made up horror stories. These stories are real. I have known them. This legislation is about children such as these that need protection of this legislation. This is not about your good and responsible parents. It's about the most abused and vulnerable children in our state. I have read several emails where writers express the opinion that this legislation is unnecessary because there are so few of these sexual abuse cases in New Hampshire. To those I would ask just how many vulnerable girls have to suffer like these girls have in order to protect the illusion that it is an attack on good parenting. Are two enough? Three? Five? Do we still believe in some form of human sacrifice of children? Must abused and vulnerable girls suffer to pay for the manufactured fears of the many? Those who need your response to this legislation appear to know only half of the story. My fellow legislators, this is the other half. Please join me in sustaining the Governor's veto so that we can protect all of New Hampshire's children. Thank you for your attention and I will not be taking any questions.

Rep. Souza: Thank you, Mister Speaker. Thank you colleagues and I want to say thank you for your patience with this bill over the years. Thank you for your support for this bill over the years. We think we have it just right. We are very pleased with it. It meets all constitutional requirements. It meets the Governor's previous off-stated concern. It provides for young women in bad circumstances who do not want to go to their parents. The judicial bypass is about the strongest in the country. The wording on the health has been perfected. It is acceptable to the U.S. Supreme Court. It's acceptable to all the other states that have it with no problems. The time has come for this bill. Again, I thank you for your patience with it and let's do the right thing. Get it into law now. Thank you so much.

Rep. Bouchard: Thank you, Mister Speaker. The Governor's veto message clearly states he supports parental notification and would sign notification legislation if reasonable, common sense changes were made such as it is not unreasonable not to exempt victims of rape or incest or abuse. It is unreasonable and it is also cruel for the victim of the abuse to have to notify her abuser. HB 329 does not stand up and protect the fundamental right of the teenage girl to be free from violence and have access to safe healthcare. We have a moral obligation to protect teens in a violent home. This bill fails to do that. This bill potentially protects the abuser and I know in my heart that is just wrong. It is not reasonable to criminalize medical providers. HB 329 also has a criminal penalty, a misdemeanor for medical providers and very vague language. Given how we have tried to protect the doctor/patient relationship with Lyme disease, this is a very harsh approach that singles out abortion. HB 329 may appear constitutional, but the real test of the judicial bypass will come with implementing it. What if a young woman knows or is related to the clerk or the security guard at her closest court? How is a young woman in Keene going to have confidential access when the court is housed in city hall? I am concerned that our court system is just not up to the task of providing the kind of confidentiality that is required. This is not easy to do. Even the big urban court systems have had problems. In fact, that is why the Illinois' parental involvement law was challenged and is not being allowed to be in force. It will be the state's responsibility to ensure the teen has confidential access to the courts. Another thing to consider is the standard for a judge to exempt a teen from notifying a parent does not include rape, incest or abuse. The lack of clarity means that a teen that has been abused in some way could be forced to notify the abusing parent. Our courts were not asked how they would implement this policy of 24/7 confidential access and I don't think it will be easy for them to do and it will be costly for them to do and there was no money put in the budget for this provision. If New Hampshire were to have a parental notification law, it should honor our state's commitment to limited government and our tradition of reasonable common sense laws. As elected members of this body, we have an obligation to pass reasonable common sense laws that

can be implemented. You may agree with the title and the intent of HB 329, but it is the language we are voting on. The Governor stated in his message that he would sign a parental notification law if his concerns are addressed. A bi-partisan amendment was offered in the Senate and would have addressed the Governor's concerns and there is a starting point. In the House hearing, the public hearing in the House, many people addressed the problems with the judicial bypass and other issues that were brought up in the Governor's veto message. Voting to sustain the veto is not a vote against parental notification, but a vote to work with the Governor for a law that is right for New Hampshire parents and protects teens and violent homes. A teen potentially having to notify her abuser is just morally wrong. HB 329 is dangerous and extreme public policy and it is questionable whether it is constitutional so please vote to sustain. Thank you very much.

Rep. Groen: Thank you, Mister Speaker. I have a news bulletin. Two women came to Judge Judy and stood before her. One of them said, "Judge Judy, this woman and I live in the same house. I had a baby while she was there with me. The third day after my child was born this woman also had a baby. We were alone. There was no one in the house but the two of us. During the night this woman's son died because she laid on him. So she got up in the middle of the night and took my son from my side while I was asleep. She put him by her breast and put her dead son by my breast. The next morning I got up to nurse my son and he was dead. When I looked closely at him though in the morning light I saw that it wasn't the son that I had born. The other women said the living son is my son, the dead one is yours." But, the first one insisted, "No the dead one is yours, the living one is mine" and so they argued before Judge Judy. So Judge Judy said, "This one says my son's alive. The other says no your son is dead." So Judge Judy said, "Bring me a knife." So they brought a knife to the judge. She then gave an order to cut the living child in two and give half to one and half to the other. The woman whose son was alive was filled with compassion for her son and said, "Judge Judy please give her the living baby. Don't kill him." But, the other said, "Neither I nor you shall have him. Cut him in two." Then Judge Judy gave her ruling. "Give the living baby to the first woman. Do not kill him. She is the mother." Then all of America heard the verdict that Judge Judy had given and they held her in awe because they saw that she had wisdom from God to administer justice. It's apparent that some of you recognize this story and that I have been playing fast and loose with the name of the judge. For over 3,000 years, we have been talking about the wisdom of Solomon and this is why. But, still after 3,000 years we are still struggling with the issue of the ownership of children. Some want to own children for the purpose of raising them and others say they own them and it is their prerogative if they want to take knives and cut them in pieces. This law doesn't cut the legality of abortion. I wish it did, but it doesn't. It is only about the sharing of information with responsible parties, the parents and of course we have all talked about the bypass. Now comes the Governor talking of rape. It's not about rape, it's about parental rights. But, if the Governor wants to talk about rape, let's talk about rape. I'd ask you to consider this. There is my wife and she is pregnant from a normal love relationship. There is my sister as a result of rape. Which of these children deserves to die? The answer is obvious isn't it? Now, if we go forward with this solution and my sister needs to have an abortion, now we have two victims. We have my sister who has been raped and we have her baby that is now dead. Before we had one perpetrator, the rapist over here and now we have two perpetrators. One of them is my sister who affected the death of her child. Only the government can come up with a solution that solves a problem by creating twice as many problems. My question is this for you Governor and for those who support you in this. If as a result of pregnancy that results from rape someone must die, let's kill the rapist. Mister Speaker, let's override the veto and pass this reasonable law.

MOTION TO PRINT DEBATE

Rep. Keans moved that the entire debate on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013 and **HB 2-FN-A-L**, relative to state fees funds, revenues, and expenditures, be printed in the Permanent Journal.

Rep. Vaillancourt spoke against.

On a division vote, 167 members having voted in the affirmative and 173 in the negative, the motion failed.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time and when the House adjourns today, it be to the Call of the Chair.

Adopted.

UNANIMOUS CONSENT

Reps. Tucker and Pelletier addressed the House.

MOTION TO PRINT REMARKS

Rep. Hikel moved that the remarks made by Rep. Tucker be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Tucker: Thank you, Mister Speaker. I promise to be quick. Many of us in the comfort of this Chamber, we talk about freedom and liberty but there are few of us who have put ourselves in harm's way to defend and preserve the freedom and the liberty we enjoy. To those who have, we owe our most sincere gratitude, respect and our prayers. Our colleague, Rep. Lynne Blankenkemper, is such a person deserving of those accolades. Next week, she will deploy to Afghanistan on her fifth tour of duty with the United States Naval Reserve. To put herself in harm's way, working in the hot zone as a nurse on medivacs and assisting in emergency surgeries. Our state and our country are great because of the steadfast principles upon which they were founded of freedom, liberty and democracy. I rise today to recognize that it is Rep. Blankenkemper and those in uniform who have fought to protect those principles. Thank you for your service, patriotism and sacrifice Rep. Blankenkemper.

MOTION TO PRINT REMARKS

Rep. Shurtleff moved that the remarks made by Rep. Pelletier be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Pelletier: Thank you, members of the House and Speaker. I rise for unanimous consent to honor Bill McCann who was a Representative here and who died in early May. For me, he was a mentor to me in politics and he also watched over me and supported me in my professional life as well. So for those years, I have created a poem and I'll be very short. This has to do with towers.

Towers

There are those towers in our life
who stand high above the rest,
a rite of passage, a signpost for direction,
a compass pointing north, someone to emulate
beyond price, because it was meant to be.
There are towers that help build firm foundations,
when we do not have a clue how to start,
who see the horizon that will carry us the distance
when we only see dirty windows, clouded over
and smell rotten trash scattered among our streets,
or feel the rumbling of adversity in our stomachs,
a chanced thief waiting for relief.
We have not yet found our voice on an empty page,
but somehow you knew it was there:
Inspiration, perspiration, desperation that cannot wait,
out of the box, into the open, not a human mistake.
Behold God breathing the same air we take in.
Engage, create, capture a single turning moment.
Towers will hold us up, reminding us who we are,
who we have to thank: our parents, our friends,
our nation, and the yet unnamed futures
that walk a century in the shadow of standing towers
that make us proud.
Our page is no longer blank.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Dover, the Honorable William McCann.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of receiving Senate messages, enrolled bill amendments, enrolled bill reports and veto messages from the Governor.
Adopted.

The House recessed at 5:55 p.m.

RECESS

(Speaker O'Brien in the Chair)

ENROLLED BILL AMENDMENTS

HB-1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

Amendment (2522-EBA)

Amend paragraph II of section 14 of the bill by replacing line 2 with the following:
in class 060, benefits, contained in section 1 of this act by \$87,775 for the fiscal year ending June 30,
Adopted.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

Amendment (2521-EBA)

Amend RSA 135-C:2, II-a as inserted by section 15 of the bill by replacing lines 2 and 3 with the following:

nurse licensed by the board of nursing who is *certified as* a psychiatric mental health [specialist and who has at least 2 years' experience as an advanced practice registered nurse working with individuals who have mental illness, as defined in paragraph X of this section, and who meets any other criteria specified in rules adopted by the department] *nurse practitioner by a board-recognized national certifying body.*

Amend RSA 135-C:5, II as inserted by section 16 of the bill by replacing line 4 with the following:
monitoring may include review of the individual records of [~~state-funded clients~~] *persons with severe mental*

Amend RSA 187-A:20-b, I as inserted by section 131 of the bill by replacing line 2 with the following:
associate, or bachelor degree at any public postsecondary institution within the state that is

Amend RSA 187-A:20-b, II as inserted by section 131 of the bill by replacing line 1 with the following:

II. In this section, an eligible individual is a person who is less than 23 years of age and

Amend section 135 of the bill by replacing line 1 with the following:

135 The New England Higher Education Compact; Funding. Amend RSA 200-A:5

Amend section 136 of the bill by replacing line 1 with the following:

136 The New England Higher Education Compact; Enforcement. Amend RSA 200-A:8

Amend RSA 200-A:9 as inserted by section 136 of the bill by replacing line 9 with the following:
education or internship terminates. Within a period equal to twice the number of school years of his *or her*

Amend section 147 of the bill by replacing line 1 with the following:

147 Higher Education Corporations; Continuing Review. Amend RSA 292:8-ff, III to read

Amend RSA 292:8-ff as inserted by section 147 of the bill by replacing line 2 with the following:
of any institution which no longer meets the standards established by rule under [~~RSA 188-D:8-a~~]

Amend subparagraph I(b) of section 149 of the bill by replacing line 1 with the following:

(b) Scholarships awarded under New England higher education compact

Amend subparagraph II(a) of section 149 of the bill by replacing line 2 with the following:
education pursuant to RSA 292:8-b through RSA 292:8-kk.

Amend RSA 188-G:1, II as inserted by section 150 of the bill by replacing line 1 with the following:

II. In this chapter, "private postsecondary career school" shall not include:

Amend RSA 100-A:1, XVIII as inserted by section 163 of the bill by replacing line 6 with the following:

and special duty paid to the member over the member's last 7 years or over all of the years

Amend section 193 of the bill by replacing line 1 with the following:

193 New Section; Rest Areas and Welcome Centers. Amend RSA 12-A by inserting after section 43-a the

Amend section 197 of the bill by replacing line 1 with the following:

197 Unclassified Salaries. Amend RSA 94:1-a, I(b) by deleting:

Amend section 207 of the bill by replacing line 2 with the following:
the fiscal biennium ending June 30, 2011 shall not be deposited in the revenue stabilization reserve account

Amend section 300 of the bill by replacing line 1 with the following:

300 New Subparagraph; Duties; Office of Reimbursements. Amend RSA 126-A:34, I by inserting

Amend section 351 of the bill by replacing line 2 with the following:

facilities of the department of administrative services, the administrative office of the courts shall
Amend section 358 of the bill by replacing lines 13 and 14 with the following:

services shall provide a report of savings to the fiscal committee of the general court and the oversight committee on health and human services.

Amend paragraph II of section 364 of the bill by replacing line 2 with the following:

to paragraph I, with the approval of the fiscal committee of the general court and the governor and

Amend subparagraph I(b) of section 368 of the bill by replacing it with the following:

(b) The returns shall be filed on or before June 27, 2011; and

Amend section 381 of the bill by replacing line 3 with the following:

president, the fiscal committee of the general court, the secretary of state, and the director of the
Amend RSA 483-B:9, V(b)(2) as inserted by section 399 of the bill by replacing line 1 with the following:

(2)(A) Within the natural woodland buffer of a given lot the vegetation, except lawn,
Adopted.

RECESS

(Speaker O'Brien in the Chair)

ENROLLED BILL AMENDMENTS

HB 130, relative to accountability for the opportunity for an adequate education and relative to an exception for the election of school board members by the Concord school district.

Amendment (2517-EBA)

Amend RSA 193-E:3-b, I(b)(1) as inserted by section 1 of the bill by replacing line 1 with the following:

[a] (b)(1) The commissioner shall require school officials to submit a narrative explanation

Amend RSA 193-E:3-b, I(b)(2) as inserted by section 1 of the bill by replacing line 1 with the following:

[b] (2) The commissioner shall review the responses to each school's self-assessment

Amend RSA 193-E:3-b, I(b)(3) as inserted by section 1 of the bill by replacing line 1 with the following:

[c] (3) Schools that successfully demonstrate that they provide the opportunity for an

Amend RSA 193-E:3-b, I(b)(4) as inserted by section 1 of the bill by replacing line 1 with the following:

[d] (4) Schools that are unable to demonstrate that they provide the opportunity for an

Amend RSA 193-E:3-b, I(b)(5) as inserted by section 1 of the bill by replacing line 1 with the following:

[e] (5) The commissioner shall integrate, to the maximum extent practicable, the input-

Amend RSA 193-E:3-b, I(b)(6) as inserted by section 1 of the bill by replacing line 1 with the following:

[f] (6) Beginning September 1, 2012, the department shall annually conduct site visits
Adopted.

HB 390, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women.

Amendment (2515-EBA)

Amend paragraph (6) of section 2 of the bill by replacing it with the following:

(6) RSA 227-C:18-22

State Heritage Collections Committee

Adopted.

HB 489-FN, establishing a health information organization corporation.

Amendment (2409-EBA)

Amend the amending language of section 7 of the bill by replacing line 2 with the following:

A:5 by inserting after paragraph XIX the following new paragraph:

Amend section 7 of the bill by replacing line 3 with the following:

XX. The commissioner shall enter into a contract with the health information organization
Adopted.

HB 490-FN, adopting the interstate compact for juveniles.

Amendment (2332-EBA)

Amend paragraph VI of article III of RSA 169-A:2 as inserted by section 1 of the bill by replacing lines 6 and 7 with the following:

managed by an executive director and interstate commission staff; administer enforcement and compliance with the provisions of the compact, its by-laws and rules, and perform such other duties
Amend paragraph IX of article III of RSA 169-A:2 as inserted by section 1 of the bill by replacing

line 3 with the following:

and any of its committees may close a meeting to the public where it determines by a 2/3 vote

Amend paragraph X of article III of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 5 with the following:

a full and accurate summary of any actions taken, and the reasons therefor, including a description

Amend subparagraph I(j) of article IV of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 2 with the following:

and services, and to receive, utilize, and dispose of it.

Amend subparagraph I(c) of article V of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Providing for the establishment of committees governing any general or specific

Amend subparagraph I(f) of article V of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 3 with the following:

payment and/or reserving of all of its debts and obligations;

Amend subparagraph III(b) of article V of RSA 169-A:2 as inserted by section 1 of the bill by replacing lines 3 and 4 with the following:

such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. Nothing in this subparagraph shall be construed to
Amend paragraph II of article X of RSA 169-A:2 as inserted by section 1 of the bill by replacing

line 5 with the following:

that state. The governors of nonmember states or their designees shall be invited to participate in

Amend subparagraph I(c) of article XI of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 4 with the following:

intent to withdraw within 60 days of its receipt thereof.

Amend subparagraph III(a) of article XI of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 1 with the following:

(a) Suspension or termination of membership in the compact shall be imposed

Amend paragraph IV of article XI of RSA 169-A:2 as inserted by section 1 of the bill by replacing line 4 with the following:

its offices, to enforce compliance with the provisions of the compact and its duly promulgated rules and

Adopted.

RECESS

(Speaker O'Brien in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1 and 2.

Rep. Kidder, Sen. Bradley for the Committee

SENATE MESSAGES

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

SB 12-FN, relative to screening panels for medical injury claims.

SB 33-FN, relative to retired state employee contributions for medical benefits costs.

SB 45, relative to criteria for designation as a Granite State scholar.

SB 50, making various changes to laws regulating trusts and trust companies.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.

SB 68, relative to records of disciplinary actions taken by the electricians' board.

SB 70-FN, relative to remedies in landlord-tenant actions.

SB 75-FN, relative to clarification of part-time service in the state retirement system.

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies.

SB 91, relative to automatic fire suppression sprinklers.

SB 92, establishing an economic strategic commission to review the relationship between business and government.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act.

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

RECESS

(Rep. Bettencourt in the Chair)

ENROLLED BILL AMENDMENTS

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole. (Amendment printed SJ 6-22-11)
Adopted.

SB 53-FN, relative to the nursing assistant registry administered by the board of nursing. (Amendment printed SJ 6-22-11)
Adopted.

SB 88, relative to physical force in defense of a person, brandishing a firearm or other means of self-defense, and carrying firearms. (Amendment printed SJ 6-22-11)
Adopted.

SB 89, relative to employee leasing companies. (Amendment printed SJ 6-22-11)
Adopted.

SB 148-FN, relative to health insurance coverage, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act, and requiring federal grant moneys received by the state for implementation of the Patient Protection and Affordable Care Act to be returned to the federal government. (Amendment printed SJ 6-22-11)
Adopted.

RECESS

(Rep. Peter Schmidt in the Chair)

ENROLLED BILL AMENDMENT

SB 50, making various changes to laws regulating trusts and trust companies. (Amendment printed SJ 6-22-11)
Adopted.

RECESS

(Rep. Itse in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 390, 489 and 490 and Senate Bills numbered 2, 51, 63, 97, 120, 166 and 189.

Rep. Kidder, Sen. White for the Committee

RECESS

(Speaker O'Brien in the Chair)

ENROLLED BILL AMENDMENT

HB 248, establishing a commission to study business regulations in New Hampshire.

Amendment (2528-EBA)

Amend the bill by replacing section 2 with the following:

2 Repeal. RSA 359-K, relative to a commission to study business regulations in New Hampshire, is repealed.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingent Renumbering. If SB 92 of the 2011 legislative session becomes law, RSA 359-K as inserted by section 1 of this bill and the reference to RSA 359-K as inserted by section 2 of this bill shall be renumbered as RSA 359-L.

Adopted.

RECESS

(Rep. Sova in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 130, 131, 299, 380, 462, 483, 542, 601, 605 and 622 and Senate Bills numbered 12, 33, 45, 68, 70, 75, 91, 92, 123, 161 and 196.

Rep. Hawkins, Sen. White for the Committee

RECESS

(Rep. Bettencourt in the Chair)

ENROLLED BILL AMENDMENTS

HB 25-FN-A, making appropriations for capital improvements.

Amendment (2532-EBA)

Amend section 1 of the bill by replacing line 2 of paragraph XIV, B with the following:

Total state appropriation paragraph XIV \$922,394

Amend section 1 of the bill by replacing line 8 of paragraph XVII, A with the following:
made from the fisheries habitat account established in RSA 214:1-g.

Amend section 14 of the bill by replacing line 2 with the following:

appropriation made to the department of corrections in 2009, 145:1, IV, F for stormwater/sewer

Amend section 26 of the bill by replacing line 1 with the following:

26 Total Adjusted; 2005; Highway Funded Projects. Amend 2005, 259:4, total state

Amend section 28 of the bill by replacing line 1 of paragraph 52 with the following:

52. The appropriation made to the department of environmental services in 2010, 29:4, I, for

Amend section 28 of the bill by replacing line 1 of paragraph 55 with the following:

55. The appropriation made to the department of environmental services in 2005, 259:1, VI, B, Amend section 28 of the bill by replacing line 2 of paragraph 75 with the following: 145:1, X, A, for statewide roofs and park repairs.

Adopted.

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

Amendment (2531-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of gross misconduct for purposes of unemployment compensation and relative to disqualification for unemployment benefits.

Adopted.

HB 337-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

Amendment (2534-EBA)

Amend RSA 198:38, I as inserted by section 10 of the bill by replacing line 2 with the following: membership in attendance of pupils in kindergarten through grade 12, as defined in RSA 189:1-d, III

Adopted.

HB 348-FN, relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.

Amendment (2533-EBA)

Amend section 2 of the bill by replacing line 9 with the following:

V-a. "Game operator employer" means a primary game operator or a business

Amend RSA 287-D:2-c, V as inserted by section 7 of the bill by replacing line 1 with the following:

V. Prior to conducting any games of chance, the game operator or the game [operator's] operator

Amend RSA 287-D:2-c, II(c) as inserted by section 21 of the bill by replacing line 1 with the following:

(c) A list of the ~~known [games of chance in]~~ **game dates on** which the game operator will

Amend RSA 287-D:2-e, I(g) as inserted by section 23 of the bill by replacing line 1 with the following:

(g) In the event of a dedicated camera malfunction, the game operator employer or the

Amend RSA 287-D:2-e, II(a) as inserted by section 23 of the bill by replacing line 1 with the following:

(a) Have an auxiliary or backup power source available and capable of

Amend RSA 287-D:2-e, II(c) as inserted by section 23 of the bill by replacing line 1 with the following:

(c) Utilize cameras that possess the capability of having a picture displayed on a

Adopted.

RECESS

(Speaker O'Brien in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 25, 26, 248, 337 and 348 and Senate Bills numbered 50, 52, 53, 88, 89 and 148.

Rep. Hawkins, Sen. White for the Committee

RECESS

(Speaker O'Brien in the Chair)

Rep. Tucker moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 23

Wednesday, September 14, 2011

The House assembled at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Almighty Lord, we return this day to do our duty for those we serve. Refreshed by nature and good friends we come again to the work of those we respect: the people – our constituents. We lift up our members and their families who need healing and Your good counsel. Give us strong hearts to legislate fairly; strong minds to be just, and strong spirits to be sisters and brothers in defending our country. We pray, Lord, that You keep us alert to the history of September 11th, for its 17th century meaning is not separated from that of the attack upon us ten years ago. We have learned from You that brutality is not an inevitable consequence of irresistible historical forces, but the result of a betrayal of human reason and gracious hearts. Give us hope always, then, Lord, that we might associate our minds with the brightness of Your sanctuary. Help us to be as Todd Beamer and other UA flight 73 passengers before their sacrifice in Shanksville, Pennsylvania who reached to You in the moment and spoke, along with Lisa Jefferson, a GTE representative, Psalm 23:

“The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures; he leadeth me beside the still waters. He restoreth my soul: he leadeth me in the path of righteousness for his name’s sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies: thou annointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord forever.”

Give us the courage as steadfast Americans to resist every crush to mold us into an unreasoned conformity. Help us to triumph with a revived spirit in a world that is stable and diverse and continue to establish good laws which support strong families in a culture where love and faith are the strong fabric of our common good. Be with us this day and always. We ask this in Your great name. Amen.

Representative Jeffrey Oigny, member from East Hampstead, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Balboni, Cote, Graham, Hofemann, Karen Hutchinson and Introne, the day, illness.

Reps. Blankenbeker, Carr, Case, Chirichiello, DeSimone, Eaton, Hess, Hogan, Carol McGuire, Dan McGuire, Dick Patten, Pratt, Michael Reed, Scala, St. Cyr, James Sullivan, Kevin Sullivan and Ward, the day, important business.

INTRODUCTION OF GUESTS

Tom Vannatta, guest of Rep. LaCasse. Joseph Pantelakos, son of Rep. Pantelakos. Devon Greene, guest of Rep. Owen.

COMMUNICATION

August 16, 2011

Rep. William L. O’Brien, Speaker
New Hampshire House of Representatives
State House
Concord NH 03301

Dear Mr. Speaker:

It is with deep regret that I resign my seat in the New Hampshire House. I have enjoyed the camaraderie with many others who love the State of New Hampshire and I will miss you all. This is prompted by my move out of the district I serve. It is clear that this move will disqualify me from serving Derry, a town I have served off and on since 1975. There is no doubt that the voters of Derry will find another person who loves this state. I can and will be replaced. New Hampshire and my former town will be well served.

Sincerely,
Kenneth H. Gould, Rockingham 5

COMMUNICATIONFriday, August 12th, 2011

To Whom it May Concern:

I am writing to inform you that I am resigning my seat in the General Court, effective immediately, due to a new employment opportunity. It has been my pleasure, and distinct honor, to serve the people of Manchester's Ward 3 over the past several months. With so many challenges facing the state of New Hampshire, I wish my colleagues well in working to find common sense solutions to these serious issues.

Respectfully,
Michael D. Brunelle
Hillsborough District 10
Manchester Ward 3

COMMUNICATION

August 24, 2011

Ms. Karen Wadsworth
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Karen:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Strafford County District No. 3, Bob Perry, d, Strafford (88 Evans Mtn. Rd.) 03884

Sincerely,
William M. Gardner, Secretary of State

COMMUNICATION

September 14, 2011

Ms. Karen Wadsworth
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Karen:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham County District No. 14, Kevin Janvrin, r, Seabrook (60 Mill Lane) 03074

Sincerely,
William M. Gardner, Secretary of State

MOTION TO SUSPEND HOUSE RULES

Late drafting and introduction having been approved by the Rules Committee, Rep. Bettencourt moved that Rules be so far suspended as to permit introduction, printing, referral to committee, public hearing and report from committee of new bills for the 2011 Session, with deadlines as follows: Reporting from Committee by noon on Wednesday, October 5, 2011.

House action by Wednesday, October 12, 2011.

All action to be completed in the 2011 Session.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 260 NAYS 97**YEAS 260****BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

Bolster, Peter
Greemore, Robert
Millham, Alida
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Tilton, Franklin

Fields, Dennis
Luther, Robert
Russell, David
Tobin, William

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Mirski, Paul
Sorg, Gregory

Brosseau, Charles
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Beattie, Thomas
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gimas, John
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ober, Russell III
Parison, James
Proulx, Mark
Scoutsas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, Richard
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Seaworth, G. Brian

Cox, Sean
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abraimi, Patrick
Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua

Antosz, Jason
Belanger, Ronald
Charron, Gene
Devine, James

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia

Duarte, Joe
 Garrity, James
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Major, Norman
 Nevins, Chris
 Packard, Sherman
 Quandt, Marshall
 Rice, Frederick
 Sapienza, Marie
 Smith, William
 Tremblay, Stella
 Webb, James

Elliott, Robert
 Griffin, Mary
 Itse, Daniel
 Kolodziej, Walter
 Manuse, Andrew
 O'Connor, John
 Peckham, Michele
 Quandt, Matt
 Ritter, Glenn
 Sedensky, John
 Sytek, John
 Tucker, Pamela
 Welch, David

Ferrante, Beverly
 Hagan, Joseph
 Janvrin, Kevin
 Lundgren, David
 McMahon, Charles
 Okerman, Richard
 Perkins, Amy
 Reagan, John
 Sanders, Elisabeth
 Sheffert, Kenneth
 Tamburello, Daniel
 Waddell, James
 Weyler, Kenneth

Garcia, Marilinda
 Headd, James
 Kappler, Lawrence
 MacMahon, Bruce
 Murphy, Brian
 Oigny, Jeffrey
 Perkins, Lawrence
 Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Tasker, Kyle
 Waterhouse, Kevin

STRAFFORD

Andolina, Donald
 Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie
 Weeden, Michael

Brown, Julie
 Jones, Kyle
 Munck, Philip
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen Schultz, Kirsten
 O'Connor, William
 Vita, Lucien

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 97

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
 Lerandeau, Alfred
 Roberts, Kris
 Weed, Charles

Chase, Cynthia
 Lindsey, Steven
 Sad, Tara

Hawkes, Samuel
 Meader, David
 Tatros, Bruce

Johnsen, Gladys
 Parkhurst, Henry
 Weber, Lucy

COOS

Coulombe, Gary
 Theberge, Robert

Hatch, William
 Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
 Gould, Franklin
 Pastor, Beatriz
 White, Andrew

Almy, Susan
 Harding, Laurie
 Pierce, David

Benn, Bernard
 Ladd, Rick Jr
 Smith, Suzanne

Cooney, Mary
 Nordgren, Sharon
 Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
 Gidge, Kenneth
 Katsiantonis, Thomas
 Rhodes, Brian
 Sullivan, Daniel

Campbell, David
 Goley, Jeffrey
 Pilotte, Maurice
 Rokas, Ted

Daler, Jennifer
 Gorman, Mary
 Porter, Marjorie
 Rosenwald, Cindy

Garrity, Patrick
 Jeudy, Jean
 Ramsey, Peter
 Shaw, Barbara

MERRIMACK

Bouchard, Candace
 Frazer, June

Deloge, Helen
 Gile, Mary

DeStefano, Stephen
 Hamm, Christine

Foose, Robert
 Kidder, David

MacKay, James
Richardson, Gary
Watrous, Rick

Owen, Derek
Shurtleff, Stephen
Williams, Robert

Potter, Frances
Soltani, Tony

Rice, Chip
Wallner, Mary Jane

ROCKINGHAM

Calli-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger
Hooper, Dorothea
Perry, Robert
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the motion was adopted by the necessary two-thirds vote.

RESOLUTION

Late drafting and introduction having been approved by the Rules Committee and the House, Rep. Bettencourt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 652 through 656 and House Resolution numbered 13 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS AND HOUSE RESOLUTION

First, second reading and referral

HB 652-FN, establishing a commission relative to Medicaid managed care. (Kurk, Hills 7: Finance)

HB 653-FN, requiring general fund budget reductions to reimburse Medicaid. (Kurk, Hills 7: Finance)

HB 654-FN-L, relative to credit for retirement system employer contribution overpayments. (Jasper, Hills 27; O'Brien, Hills 4; Reagan, Rock 1; Rodeschin, Sull 2; Munck, Straf 2; Long, Hills 10; Flanagan, Hills 5; Chandler, Carr 1; Greazzo, Hills 17; Carson, Dist 14: Special Committee on Public Employee Pensions Reform)

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center. (Tucker, Rock 17; O'Brien, Hills 4; Bettencourt, Rock 4; White, Dist 9: Ways and Means)

HB 656, relative to boundaries of wards. (Mirski, Graf 10: Special Committee on Redistricting)

HR 13, repudiating *Opinion of the Justices*, 162 N.H. 160 (2011), and urging the senate to remove from the table and pass 2011 HB 89. (Rep. Sorg, Graf 3; Rep. O'Brien, Hills 4; Rep. Bettencourt, Rock 4; Rep. Ingbertson, Graf 5; Rep. Manuse, Rock 5; Rep. Mirski, Graf 10; Rep. B. Murphy, Rock 18; Rep. Baldasaro, Rock 3: Constitutional Review and Statutory Recodification)

SENATE MESSAGE

The Senate has passed Bills and Resolutions with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

SB 198-FN, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to need families (TANF).

MOTION TO SUSPEND HOUSE RULES

Rep. Bettencourt moves that Rules be so far suspended as to permit introduction, referral to committee, public hearing and report from committee on **SB 198-FN**, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF), with the following deadlines:

Reporting from Committee by noon on Wednesday, October 5, 2011.

House action by Wednesday, October 12, 2011.

All action to be completed in the 2011 Session.

Adopted by the necessary two-thirds vote.

RESOLUTION

Introduction having been approved by the House, Rep. Bettencourt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 198 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL**First, second reading and referral**

SB 198-FN, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF). (Finance)

SENATE MESSAGE

The Senate has voted to override the Governor's veto on the following Bills:

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

SB 57, relative to regulation of title loan lenders.

SB 88, relative to physical force in defense of a person, relative to producing or displaying a firearm or other means of self-defense, and relative to eliminating minimum sentencing and adding civil immunity for certain firearm use.

SB 91, relative to automatic fire suppression sprinklers.

SENATE MESSAGE

The Senate has voted to sustain the Governor's veto on the following Bills:

SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund.

SB 154-FN, reforming and renaming the comprehensive shoreland protection act and repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

The House recessed at 1:25 p.m.

RECESS**(Speaker O'Brien in the Chair)**

The House reconvened at 1:35 p.m.

GOVERNOR'S VETO MESSAGE ON SB 88

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed SB 88, relative to physical force in defense of a person. In 2006, I vetoed legislation with identical provisions because the New Hampshire Chiefs of Police, the New Hampshire Sheriffs Association, the New Hampshire State Police, representatives of over 40 local law enforcement departments and the former Attorney General warned it would jeopardize public safety. Many of those same organizations and the current Attorney General have asked me to veto this bill because it contains the identical provision governing the use of deadly force. This legislation would permit the use of deadly force anywhere a person has a right to be, even if the person could easily remove himself or herself from an encounter without exposing himself or herself, or anyone else, to danger. SB 88, like the earlier bill, is a dramatic and unwarranted change in New Hampshire law that would legalize the inappropriate use of deadly force and jeopardize public safety. "The current law governing the use of deadly force in self-defense establishes a careful balance between the right to use deadly force in self-defense on the one side, and the sanctity of human life and the safety of innocent members of the public, on the other," wrote the New Hampshire Association of Chiefs of Police and the New Hampshire Sheriffs Association. "SB 88 would dramatically alter that balance and increase the potential for deadly encounters erupting in public places." There are times when deadly force may be the only alternative, and existing law already makes provisions for those cases. Existing New Hampshire law already allows citizens to stand their ground and use deadly force – in any location – to protect themselves or another person in response to another's use of deadly force or to prevent a kidnapping or sexual assault no matter where those offenses take place. Current law also allows citizens to use deadly force to protect themselves against an

intruder in their own home, regardless of whether the intruder has used deadly force. And current law puts the burden on the state to disprove beyond reasonable doubt claims of self-defense in other cases. SB 88 would unleash the potential for increasing deadly violence in our communities. It would allow the use of deadly force on street corners, in shopping malls, public parks, and in retail stores. Drug dealers and other felons who brandish weapons will be further emboldened to use their weapons, while prosecution of those criminals will be made more difficult because of this bill's expansion of the right to use deadly force. Given that the current law is working well and is widely supported by law enforcement, I have vetoed SB 88. SB 88 also contains changes to the state's criminal law on mandatory minimum sentences for offenses involving a firearm, as well as changes to the definition of "non-deadly force. I am prepared to sign these provisions into law if they are subsequently enacted in separate legislation.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **SB 88**, relative to physical force in defense of a person, relative to producing or displaying a firearm or other means of self-defense, and relative to eliminating minimum sentencing and adding civil immunity for certain firearm use, become law?

Rep. Shurtleff spoke against and yielded to questions.

Rep. Campbell spoke against.

Reps. Kreis and Welch spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 251 NAYS 111

YEAS 251

BELKNAP

Accornero, Harry	Comtois, Guy	Greemore, Robert	Kingsbury, Robert
Luther, Robert	Malone, Robert	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Tobin, William	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hunt, John
Lindsey, Steven	Moore, Charles	Moore, Robert Jr	Smith, Edwin

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbreton, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Ball, J. Michael	Barry, J. Gail	Barry, Richard
Beattie, Thomas	Belanger, James	Belvin, William	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen
Daniels, Gary	Day, Russell	DeJong, Cameron	Doherty, Shaun

Donovan, Daniel
Gagne, Larry
Goley, Jeffrey
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Warden, Mark

Erickson, Duane
Gandia, Laura
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Scoutsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Fredette, Robert
Gidge, Kenneth
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Cox, Sean
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Manuse, Andrew
O'Connor, John
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Bates, David
Brown, Paul
Devine, James
Ferrante, Beverly
Hagan, Joseph
Janvrin, Kevin
Lundgren, David
Mauro, Donna
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Waterhouse, Kevin

Antosz, Jason
Belanger, Ronald
Charron, Gene
Dowling, Patricia
Garcia, Marilinda
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Oigny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tasker, Kyle
Webb, James

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Nevins, Chris
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sapienza, Marie
Smith, William
Tremblay, Stella
Welch, David

STRAFFORD

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Carol

DeLemus, Susan
Larsen Schultz, Kirsten
Parsons, Robbie
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Pitre, Joseph
Watters, David

Jones, Kyle
Newton, Clifford
Roberts, Jenna
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 111

BELKNAP

Bolster, Peter
Pilliod, James

Fields, Dennis
Russell, David

Flanders, Donald

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William	Chase, Cynthia	Emerson, Susan	Hawkes, Samuel
Johnsen, Gladys	Johnson, Jane	Lerandeau, Alfred	Meador, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Sterling, Franklin Jr
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Richardson, Herbert
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Bergevin, Jerry	Campbell, David	Daler, Jennifer
Drisko, Richard	Garrity, Patrick	Gimas, John	Gorman, Mary
Jeady, Jean	Katsiantonis, Thomas	LeBrun, Donald	Levasseur, Nickolas
Long, Patrick	Pilote, Maurice	Porter, Marjorie	Ramsey, Peter
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara
Sullivan, Daniel			

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Kidder, David
MacKay, James	Owen, Derek	Potter, Frances	Rice, Chip
Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Lovejoy, Patricia
Moody, Marcia	Murphy, Brian	Norelli, Terie	Pantelakos, Laura
Powers, James	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher
Waddell, James			

STRAFFORD

Andolina, Donald	Berube, Roger	Brown, Julie	Browne, Brendon
Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy
Kaen, Naida	Keans, Sandra	Munck, Philip	Perry, Robert
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Sprague, Dale
Wall, Janet			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
Schmidt, Andrew			

and the veto was overridden by the necessary two-thirds vote.

The House recessed at 2:00 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 2:10 p.m.

MOTION TO PRINT DEBATE

Rep. Patrick Garrity moved that the debate on the Governor's veto of **SB 88**, relative to physical force in defense of a person, relative to producing or displaying a firearm or other means of self-defense, and relative to eliminating minimum sentencing and adding civil immunity for certain firearm use, be printed in the Permanent Journal.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 155 NAYS 203**YEAS 155****BELKNAP**

Fields, Dennis Millham, Alida

CARROLL

Ahlgren, Christopher Babson, David Jr Patten, Betsey Pettengill, Laurie
Schmidt, Stephen

CHESHIRE

Butynski, William Chase, Cynthia Emerson, Susan Hawkes, Samuel
Hunt, John Johnsen, Gladys Lerandeau, Alfred Lindsey, Steven
Meador, David Moore, Charles Parkhurst, Henry Roberts, Kris
Sad, Tara Tatro, Bruce Weber, Lucy Weed, Charles

COOS

Coulombe, Gary Hatch, William Merrick, Evalyn Remick, William
Richardson, Herbert Theberge, Robert Tholl, John Jr Thomas, Yvonne

GRAFTON

Almy, Susan Benn, Bernard Cooney, Mary Gould, Franklin
Harding, Laurie Ladd, Rick Jr Mirski, Paul Nordgren, Sharon
Pastor, Beatriz Pierce, David Smith, Suzanne Townsend, Charles
White, Andrew

HILLSBOROUGH

Ball, J. Michael Baroody, Benjamin Barry, Richard Belvin, William
Brown, Kevin Campbell, David Champagne, Norma Christiansen, Lars
Daler, Jennifer Daniels, Gary Fredette, Robert Gagne, Larry
Gandia, Laura Gargas, Carolyn Garrity, Patrick Gidge, Kenneth
Gimas, John Goley, Jeffrey Gorman, Mary Infantine, William
Jeudy, Jean Katsiantonis, Thomas LeBrun, Donald Levasseur, Nickolas
Long, Patrick Moran, Edward Pilote, Maurice Porter, Marjorie
Ramsey, Peter Rhodes, Brian Robbins, David Rokas, Ted
Rosenwald, Cindy Seidel, Carl Shaw, Barbara Simmons, Tammy
Soucy, Connie Sullivan, Daniel Whitehead, Randall Willette, Robert

MERRIMACK

Bouchard, Candace Coffey, Jennifer Deloge, Helen DeStefano, Stephen
Foose, Robert Frazer, June Gile, Mary Kidder, David
MacKay, James Owen, Derek Potter, Frances Rice, Chip
Richardson, Gary Shurtleff, Stephen Wallner, Mary Jane Watrous, Rick
Williams, Robert

ROCKINGHAM

Allen, Mary Antosz, Jason Bettencourt, David Brown, Paul
Cali-Pitts, Jacqueline Comerford, Timothy Copeland, Timothy DiPentima, Rich
Elliott, Robert Hagan, Joseph Itse, Daniel Janvrin, Kevin
Katsakiores, Phyllis Lovejoy, Patricia MacMahon, Bruce McMahon, Charles

Moody, Marcia
Perkins, Lawrence
Sapareto, Frank
Weyler, Kenneth

Nevins, Chris
Powers, James
Schlachman, Donna

Norelli, Terie
Quandt, Matt
Sedensky, John

Perkins, Amy
Read, Robin Jr
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Julie
Hooper, Dorothea
Larsen Schultz, Kirsten
Spainhower, Dale
Watters, David

Browne, Brendon
Horrigan, Timothy
Perry, Robert
Spang, Judith

Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Cunningham, Steven
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

LaCasse, Paul Sr

NAYS 203

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Russell, David
Tobin, William

Comtois, Guy
Luther, Robert
Simpson, Tyler
Worsman, Colette

Flanders, Donald
Malone, Robert
Swinford, Elaine

CARROLL

Fleck, Joseph
Merrow, Harry

Knox, J. David
Tregenza, Norman

McCarthy, Frank
Umberger, Karen

McConkey, Mark

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Dwinell, Richard
Sterling, Franklin Jr

Johnson, Jane

COOS

Daugherty, Duffy

Rappaport, Laurence

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sorg, Gregory

Brosseau, Charles
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Buxton, Michael
Condra, William
DeJong, Cameron
Erickson, Duane
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Rowe, Robert
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Hansen, Peter
Hinch, Richard
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Scoutsas, Lisa
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Beattie, Thomas
Brownrigg, Randall Jr
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Proulx, Mark
Silva, Peter
Summers, James
Twombly, Timothy
Warden, Mark

Belanger, James
Burt, John
Coffey, James
Day, Russell
Drisko, Richard
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Renzullo, Andrew
Souza, Kathleen
Swank, Matthew
Ulery, Jordan

MERRIMACK

Cohn, Seth
 Hoell, J.R.
 Lauer-Rago, Kathleen
 Palfrey, David
 Seaworth, G. Brian
 Winter, Steven

Cox, Sean
 Keane, Thomas
 Lindsley, Mark
 Reed, Dennis
 Smith, Molly

Giuda, J. Brandon
 Kotowski, Frank
 Lockwood, Priscilla
 Richardson, Jon
 Smith, Todd

Hill, Gregory
 Kreis, Kenneth Sr
 McDonnell, John
 Sanborn, Laurie
 Soltani, Tony

ROCKINGHAM

Abrami, Patrick
 Belanger, Ronald
 Devine, James
 Garcia, Marilinda
 Hoelzel, Kathleen
 Major, Norman
 O'Connor, John
 Peckham, Michele
 Ritter, Glenn
 Sheffert, Kenneth
 Tamburello, Daniel
 Waddell, James

Azarian, Gary
 Birdsell, Regina
 Dowling, Patricia
 Garrity, James
 Kappler, Lawrence
 Manuse, Andrew
 Okerman, Richard
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tasker, Kyle
 Waterhouse, Kevin

Baldasaro, Alfred
 Charron, Gene
 Duarte, Joe
 Griffin, Mary
 Kolodziej, Walter
 Mauro, Donna
 Oigny, Jeffrey
 Reichard, Kevin
 Sapienza, Marie
 Smith, William
 Tremblay, Stella
 Webb, James

Bates, David
 Davenport, Joshua
 Ferrante, Beverly
 Headd, James
 Lundgren, David
 Murphy, Brian
 Packard, Sherman
 Rice, Frederick
 Schroader, Adam
 Sytek, John
 Tucker, Pamela
 Welch, David

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Newton, Clifford
 Vita, Carol

Cataldo, Sam
 Jones, Laura
 O'Connor, William
 Vita, Lucien

DeLemus, Susan
 Leonard, Frederick Jr
 Parsons, Robbie
 Weeden, Michael

Groen, Warren
 Munck, Philip
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Osgood, Joe
 and the motion failed.

Howard, Thomas
 Rodeschin, Beverly

Laware, Thomas

Lovett, Charlene

GOVERNOR'S VETO MESSAGE ON SB 3-FN-A-L

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed SB 3, making comprehensive changes to the state retirement system. Even as this bill sits on my desk with a deadline of today, members of the ongoing conference committee on HB 1 and HB 2 have publicly announced that they will consider substantive changes to this legislation, a version of which is already included in HB 2. Those changes include potentially addressing decisions made yesterday by the Board of the Retirement System that could impact the budgets of the state and local communities. Given the legislature's stated intent to change this legislation further, and my responsibility to review the legislation in its full and final form, I am vetoing Senate Bill 3 and will assess the legislature's final product.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **SB 3-FN-A-L**, making comprehensive changes to the state retirement system, become law?

Rep. Lynne Ober spoke against.

LAI D ON THE TABLE

Rep. Bettencourt moved that the question of shall **SB 3-FN-A-L**, making comprehensive changes to the state retirement system, become law, be laid on the table.

The Speaker announced that a roll call would be taken.

YEAS 259 NAYS 104

YEAS 259**BELKNAP**

Accornero, Harry
 Flanders, Donald

Bolster, Peter
 Greemore, Robert

Comtois, Guy
 Kingsbury, Robert

Fields, Dennis
 Luther, Robert

Malone, Robert
Simpson, Tyler
Worsman, Colette

Millham, Alida
Swinford, Elaine

Pilliod, James
Tilton, Franklin

Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

CHESHIRE

Butynski, William
Emerson, Susan
Moore, Robert Jr

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbreton, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Beattie, Thomas
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Scoutas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Coffey, Jennifer
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Seaworth, G. Brian

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Reed, Dennis
Smith, Todd

ROCKINGHAM

Abрами, Patrick
Bates, David

Allen, Mary
Belanger, Ronald

Azarian, Gary
Bettencourt, David

Baldasaro, Alfred
Birdsell, Regina

Brown, Paul
Devine, James
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oligny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Charron, Gene
Dowling, Patricia
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevens, Chris
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Tasker, Kyle
Waterhouse, Kevin

Cornford, Timothy
Duarte, Joe
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Schroadter, Adam
Smith, William
Tremblay, Stella
Webb, James

Davenport, Joshua
Ferrante, Beverly
Hagan, Joseph
Janvrin, Kevin
Lundgren, David
McMahon, Charles
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sedensky, John
Sytek, John
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Larsen Schultz, Kirsten
Parsons, Robbie
Weeden, Michael

Brown, Julie
Groen, Warren
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Vita, Carol

DeLemus, Susan
Jones, Laura
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 104 BELKNAP

None

CARROLL

None

CHESHIRE

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Lerandeau, Alfred
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Shackett, Jeffrey

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Goley, Jeffrey
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Garrity, Patrick
Gorman, Mary
Levasseur, Nicholas
Ramsey, Peter
Shaw, Barbara

Daler, Jennifer
Gidge, Kenneth
Greazzo, Phil
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Gandia, Laura
Gimas, John
Judy, Jean
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	MacKay, James
Owen, Derek	Potter, Frances	Rice, Chip	Richardson, Gary
Richardson, Jon	Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Antosz, Jason	Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich
Elliott, Robert	Lovejoy, Patricia	MacMahon, Bruce	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Powers, James	Read, Robin Jr
Schlachman, Donna	Serlin, Christopher		

STRAFFORD

Berube, Roger	Browne, Brendon	Grassie, Anne	Hooper, Dorothea
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Leonard, Frederick Jr
Perry, Robert	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the motion was adopted.

ADJOURN FROM THE EARLY SESSION

Rep. Bettencourt offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time and when the House adjourns today, it be to meet Wednesday, October 12, 2011 at 10:00 a.m.

UNANIMOUS CONSENT

Reps. Daler and Shurtleff addressed the House.

MOTION TO PRINT REMARKS

Rep. Baldasaro moved that the remarks made by Rep. Daler be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Daler: Thank you, Mister Speaker. There is a positive story coming from Afghanistan. On December 30, 2010, Army Specialist Joseph Canavan of Temple, New Hampshire was providing security during a meeting between his squadron and village elders in Khost Province. Specialist Canavan heard something hit his truck turret. That something turned out to be a homemade explosive. He jumped from the truck. The gunner was wounded, as was Canavan, who sustained a severe concussion. Despite this and warnings from the gunner not to get back into the truck, Canavan did anyway. He performed first aid on the gunner and also manned the machine gun firing at the attackers. His quick thinking and his bravery that day earned Canavan the Bronze Star, the fourth highest combat award in the U.S. Armed Forces. From the medal citation signed by Major General John Campbell, "Specialist Canavan's courage and selfless dedication in a combat zone, under the most extreme of circumstances greatly contributed to the fight against the war on terrorism." Specialist Canavan re-enlisted in the Army and is presently at Fort Campbell, Kentucky. He will soon go to Fort Sam Houston, Texas, where he will begin training as a medic. His bravery, quick thinking and dedication are a testament to our service people in war zones and other places around the globe. Thank you.

MOTION TO PRINT REMARKS

Rep. Bettencourt moved that the remarks made by Rep. Shurtleff be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Shurtleff: Thank you, Mister Speaker. Mister Speaker, I know in this body there is tremendous support for our men and women in the armed forces serving in Iraq and Afghanistan and that's commendable. I just wanted to bring to this body the fact that earlier today Representative Terie Norelli received a flag that flew over the Ortiz Medical Center in Baghdad. She received this for her role as Speaker last Session, arranging for gifts and items to be sent to our men and women serving in Iraq. The flag she received flew over the Ortiz Medical Center, as I said. This was named after Maria Ortiz, an Army Captain and a registered nurse who was the first woman to die in combat since Vietnam. She died in a mortar attack in July 2007 and is buried at Arlington National Cemetery. With your permission Mister Speaker, I would like to read the commendation that Representative Norelli received. It says, "The flag of the United States of America. Let it be known to all that this flag has flown over the Ortiz Medical Center, International zone in Baghdad, Iraq on 5, March 2010. It is presented to the Honorable Terie Norelli, Speaker of the New Hampshire House of Representatives in recognition for her service to the United States of America and her dedicated support to service members serving across the globe." It is signed by Colonel Paul Pasquina, MD United States Medical Corps., officer in charge, Ortiz Medical Center. Thank you, Mister Speaker.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills and resolutions, reading-in of petitions, receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference.

Adopted.

The House recessed at 2:30 p.m.

RECESS

(Rep. Chris Christensen in the Chair)

PETITIONS

Representative David Welch of Kingston, on behalf of Petitioners Greg and Sarah Clarkson of Kingston, seeks redress relative to a grievance involving a dispute with a Kingston police officer and two social workers with the New Hampshire Department of Health and Human Services, Division of Children, Youth and Families.

Representative Timothy P. Comerford of Fremont, on behalf of Petitioner Marie L. Miller of Farmington, seeks redress relative to a grievance involving an associate justice of the New Hampshire superior court.

Representative Daniel Itse of Fremont, on behalf of Petitioner Hope Nardone, seeks redress relative to a dispute with staff members and practices of the New Hampshire Division of Children, Youth and Families.

Representative Daniel Itse of Fremont, on behalf of Petitioner Jeanette Dionne, seeks redress relative to grievances involving disputes with the Brentwood Family Court, a marital master, a guardian ad litem, a Judge, a Master, the Judicial Conduct Committee and the Professional Conduct Committee.

The Speaker referred these petitions to the Committee on Redress of Grievances.

RECESS

The Speaker appointed a Select Committee of the House as follows:

**HOUSE SELECT COMMITTEE TO STUDY ISSUES REGARDING THE
NEW HAMPSHIRE LOCAL GOVERNMENT CENTER**

It shall be the duty of the House Select Committee to Study Issues Regarding the New Hampshire Local Government Center to study issues regarding the New Hampshire Local Government Center, focusing on the report by the secretary of state, bureau of securities regulation, released on August 2, 2011, titled "Report of Local Government Center," the impact of actions by pooled risk management programs, as defined by RSA 5-B, on state and local revenues and expenditures, and legislative reforms with regard to public or government-sponsored insured risk pools.

REPUBLICANS

Stepanek, Stephen B., Chairman
Griffin, Mary E.
Sapareto, Frank V.
Azarian, Gary S.

DEMOCRATS

Sullivan, Daniel J.

RECESS

(Rep. Holden in the Chair)

PETITION

Representative Duffy Daugherty of Colebrook, on behalf of Petitioner Frank M. Handibode of Hebron, seeks redress relative to a grievance involving disputes with the Town of Hebron Board of Selectmen, Avitar Associates of New England, and the New Hampshire Board of Tax and Land Appeals.

The Speaker referred this petition to the Committee on Redress of Grievances.

RECESS

(Speaker O'Brien in the Chair)

Rep. Jasper moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 24

Wednesday, October 12, 2011

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Heavenly Lord, in whom we live and move and have our being, we, once again, ask for Your blessings and protection upon our Nation and our great State of New Hampshire. We hold up our members and their families who need healing and support as well as our friends in service to our country who may be in harm's way. As nature displays its brilliance, we are grateful for our political colleagues who are pillars of order and display the common sense we citizens of New Hampshire live by: change with stable growth. We ask that Your spirit guide us, again today, in our deliberations so that we may speak the truth in goodness and rightly make an art of our politics. We are men and women with much experience of the world, assembled not to create a paradise, for Your hand has provided these hints already, but gathered to continue effective and practical government....a built-in plan of survival for ourselves and our children, which, according to Your wisdom and our political wit, we may secure a sustainable future for all and avoid the economic, political and spiritual wreckage we witness around the world. Therefore we give thanks to You first, Lord, and then ask for Your wisdom to engage our responsibility in: (1) being other-directed for our constituents; (2) to remaining unmoved by fashion and inordinate power, like a strong oak in the face of the next season; (3) of treating each other with respect, like the maple which gives sweetness, beauty and strength to daily life, and, finally, to rely always on what is permanent in preserving true freedom which is the force of human flourishing. Give Your special blessing upon our esteemed visitors, their hopes and aspirations, and upon all present here. We ask this in Your name. Amen.

Representative Alfred Baldasaro, member from Londonderry, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. D. L. Chris Christensen, Cox, Hess and Hofemann, the day, illness.

Reps. Blankenbeker, Daniels, Eaton, Gile, Kreis, LeBrun, Nevins, Newton, Stepanek and Taylor, the day, important business.

INTRODUCTION OF GUESTS

Students from the Laconia Christian School with their teachers Nathaniel Cooke and Kristin Peltier, guests and daughter of Rep. Simpson. Susanne Lundgren, Eleanor Krantz, Hanna Norquist, and Emily Sandin, sister and cousins of Rep. Lundgren. John Washburn, guest of Rep. Notter. Robert and Nicholas Renzullo, Elizabeth and Ronald Egan, son, grandson and guests of Rep. Renzullo. The Honorable Suzanne Harvey, former member from Nashua, guest of Reps. Cote and Rosenwald. Joan Rice, wife of Rep. Fred Rice. Hubert Buchanan and Lucy Rayes, guests of Rep. Holden. Dan and Linda Morehouse, guest of Reps. Rappaport and Jim Belanger. Jacqueline Greazzo and Philip Louison, daughter and father of Rep. Greazzo. Crystal Panek, wife of Rep. Panek. Roxanne O'Brien, wife of Speaker O'Brien, Jack Kimball, Steve Duprey, Phyllis Woods, John Quinlan, Jack Esposito, Wes Sonner, Donnie Sawin, Mark and Dawn Shearholdt and Kevin Boette, guests of the Speaker. Calista Gingrich, guest of the House. Bob and Claudia Finlay, guests of Rep. Dan McGuire.

COMMUNICATION

September 28, 2011

Ms. Karen Wadsworth
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Karen:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough County District No. 3, Peter R. Leishman, d, Peterborough (39 Birch Rd.) 03458

Sincerely,
William M. Gardner, Secretary of State

SPECIAL GUESTS ADDRESSED THE HOUSE

Presidential candidates, the Honorable Gary Johnson, the Honorable Rick Santorum and the Honorable Newt Gingrich, addressed the House.

The House recessed at 10:55 a.m.

RECESS

The House reconvened at 11:05 a.m.

(Speaker O'Brien in the Chair)

SPECIAL GUEST ADDRESSED THE HOUSE

Presidential candidate, Mr. Herman Cain, addressed the House.

MOTION TO AMEND HOUSE RULES

Reps. Bettencourt and Norelli moved the adoption of an amendment, as proposed by the Rules Committee, to amend House Rules #10 and #111 indicating that the 2010 edition of Mason's Manual of Legislative Procedure be the edition used by the New Hampshire House and its committees beginning with the 2012 Session.

Rep. Jasper spoke in favor.

Adopted by the necessary two-thirds vote.

SPECIAL GUEST ADDRESSED THE HOUSE

Presidential candidate, Congresswoman Michele Bachmann, addressed the House.

The House recessed at 11:45 a.m.

RECESS

The House reconvened at 1:00 p.m.

(Speaker O'Brien in the Chair)

MOTION TO SUSPEND HOUSE RULES

Rep. Bettencourt moved that House Rules be so far suspended as to allow the deadline for reporting of retained bills, **HB 592** and **HCO 1**, pertaining to redistricting, to be moved to December 23, 2011. Rep. Mirski spoke in favor.

On a division vote, 267 members having voted in the affirmative and 98 in the negative, the motion was adopted by the necessary two-thirds vote.

MOTION TO SUSPEND HOUSE RULES

Rep. Bettencourt moved that House Rules be so far suspended as to allow the deadline for reporting of retained bill, **HB 653**, requiring general fund budget reductions to reimburse Medicaid, to be moved to February 23, 2012.

Rep. Weyler spoke in favor and yielded to questions.

Motion adopted by the necessary two-thirds vote.

REGULAR CALENDAR

HR 13, repudiating Opinion of the Justices, 162 N.H. 160 (2011), and urging the senate to remove from the table and pass 2011 HB 89. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John W. Cebrowski for the Majority of Constitutional Review and Statutory Recodification: This is a resolution, a formal expression of the opinion and wishes of the House. It does not have the effect of a law. We are doing this to go on record as disagreeing and disavowing the opinion of the supreme court. We are also asking the Senate to take action, to take HB 89 off of the table and pass it. Those are the two things happening here – going on the record and making a request

for action. That is it, in spite of how others might want to complicate this. We must speak up for what we believe in. HB 89 was a clear repudiation of an egregious national policy; no small matter. However, HR 13 is a defense of the power of the people delegated by the Constitution of New Hampshire to their representation in the government of the State of New Hampshire, the General Court of New Hampshire. What began as an attempt to stop an unconstitutional law has become a contest to defend the manner in which the people delegated their power to their government. In the course of its deliberations, the committee learned that legislature has given specific orders to specific members of the Executive on numerous occasions, including the attorney general. On March 15, 2011, the House overwhelmingly passed HB 89, a bill requiring the attorney general to move to join the state of New Hampshire in the Florida case challenging the constitutionality of the federal Patient Protection and Affordable Care Act. The Senate tabled the bill and, pursuant to Part 2, Article 74 of the New Hampshire Constitution, sought an advisory opinion from the supreme court as to the bill's constitutionality. On June 15, 2011, the supreme court issued its opinion, in which it concluded that HB 89 violates the separation of powers under Part 1, Article 37. The court recognized that until 1966 the legislature had, and had exercised, power of giving direct instruction to members of the executive. However, they reasoned by a single quotation from the 1964 Constitutional Convention that the 1966 amendment to Part 2, Article 41 gave the executive branch the exclusive power to decide the state's interest in litigation. In doing so the supreme court ignored the following quotation by Mr. Eaton, the delegate whom the Court quoted "Now the purpose of this resolution is to protect the power of the General Court. It makes explicit some statutory authority which the executive branch has already been using for many years." More importantly they ignored his concluding remarks, "As everyone knows, state legislatures have been losing power rapidly in recent years. And this is not a theory. It is an accepted fact that progressive decline of legislative power threatens representative government. Many forces aggravate the imbalance and every time a bureaucrat overspends his budget or ignores a statute, he shows disrespect for the legislature. Resolution 58 declares all executive departments and agencies must respect all mandates, powers and rights of the general court and I hope as we close the 15th constitutional convention we can adopt Resolution 58 which says that whatever may happen in the other states, New Hampshire is still owned by the people and still operated by elected representatives of the people." The purpose of the amendment to Part II, Article 41, proposed in resolution 58 of the 15th Constitutional Convention, and approved by the people in 1966 was to strengthen the power of the legislature and not the executive. HR 13 asserts, and the committee agrees, not only that it is clear and incontrovertible that the court's opinion is incorrect, but that if allowed to stand would do great harm to the constitutional balancing of legislative and executive authority by effectively giving the governor a second opportunity to veto legislation with which he disagreed by simply refusing to defend it in litigation. We do a grave disservice to ourselves and to our constituents by not publicly displaying our resolve. The resolution was carefully crafted and provides a detailed rationale for our disagreement with the court. Vote 11-2.

Rep. Christopher W. Serlin for the Minority of Constitutional Review and Statutory Recodification: The minority believes that Part I, Article 37 of our State Constitution is quite clear about what "Separation of Powers" means, in that "...the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from, and independent of, each other..." The minority's position is also held by over 30 former attorneys general and assistant attorneys general, Republicans and Democrats, in that as a body they, too, agreed on the plain meaning of Part I, Article 37 when they wrote to the State supreme court earlier this year urging the court to affirm the Constitution's elegant instructions on separation of powers. In June of 2011, the New Hampshire supreme court did just that, with its unanimous response to the New Hampshire Senate's request for advisory opinion on questions relating to the constitutionality of HB 89, finding against the arguments put forth by proponents, stating: "It is the executive, not the legislative branch, in which the constitution vests the power to determine the State's interest in any litigation." The court went on to say that (they) "conclude that HB 89, which removes entirely from the executive branch the decision as to whether to join the state as a party to litigation, would usurp the executive branch's power to execute and enforce the law. Therefore, in our opinion, HB 89 as passed by the House, violates the separation of powers clause and is unconstitutional. That being the case, it follows that HB 89 does not "fall within the broad grant of authority to the General Court set forth in Part II, Article 5 of the New Hampshire constitution." HR 13 represents excess unbecoming of this House. It goes beyond a simple statement of disagreement by admonishing our

supreme court, calling them “hostile” to representative government. While doing so may serve a political agenda, it can serve no useful purpose for the citizens of New Hampshire, whose business we are here to conduct in a reasonable and expedient manner. Regardless of how some members of this body may feel about the court’s findings, or the original subject matter, pressing further with HR 13 now seems more akin to tilting at windmills than it does the pursuit of sound policy. Urging the Honorable Senate to ignore the advisory opinion of our State’s supreme court, and in doing so intentionally put the General Court at odds with the executive and judiciary knowing in advance what the outcome of any actual inter-branch lawsuit is likely to be, will only cost the taxpayers of New Hampshire time and money, having no change of any outcome save what the court has already advised. We should not support such an effort.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Serlin spoke against and yielded to questions.

Rep. Bettencourt spoke in favor.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 258 NAYS 112

YEAS 258

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Johnson, Jane
Moore, Charles	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Beattie, Thomas	Belanger, James	Belvin, William
Bergevin, Jerry	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christiansen, Lars	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Day, Russell	DeJong, Cameron	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Emerton, Larry	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Lambert, George
Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael	McClarren, Donald

McGuinness, Sean
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Rowe, Robert
 Simmons, Tammy
 Summers, James
 Twombly, Timothy
 Warden, Mark

Mecheski, Holly
 Notter, Jeanine
 Palmer, Barry
 Pepino, Leo
 Reed, Michael
 Scontosas, Lisa
 Soucy, Connie
 Swank, Matthew
 Ulery, Jordan
 Whitehead, Randall

Messier, Irene
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Renzullo, Andrew
 Seidel, Carl
 Souza, Kathleen
 Terrio, Ross
 Vaillancourt, Steve
 Willette, Robert

Moran, Edward
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Robbins, David
 Silva, Peter
 Stroud, Kathleen
 Thomas, Joseph
 Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
 Hoell, J.R.
 Lindsley, Mark
 Palfrey, David
 Soltani, Tony

Cohn, Seth
 Keane, Thomas
 McDonnell, John
 Sanborn, Laurie

Giuda, J. Brandon
 Kotowski, Frank
 McGuire, Carol
 Seaworth, G. Brian

Hill, Gregory
 Lauer-Rago, Kathleen
 McGuire, Dan
 Smith, Molly

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Birdsell, Regina
 Copeland, Timothy
 Dowling, Patricia
 Fesh, Robert
 Hagan, Joseph
 Introne, Robert
 Katsakiores, Phyllis
 Manuse, Andrew
 Murphy, Brian
 Packard, Sherman
 Quandt, Marshall
 Rice, Frederick
 Schroadtter, Adam
 Smith, William
 Tasker, Kyle
 Webb, James

Allen, Mary
 Bates, David
 Charron, Gene
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Itse, Daniel
 Kolodziej, Walter
 Mauro, Donna
 O'Connor, John
 Peckham, Michele
 Quandt, Matt
 Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Welch, David

Antosz, Jason
 Belanger, Ronald
 Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Hoelzel, Kathleen
 Janvrin, Kevin
 MacMahon, Bruce
 McKinney, Betsy
 Okerman, Richard
 Perkins, Amy
 Reagan, John
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tucker, Pamela
 Weyler, Kenneth

Azarian, Gary
 Bettencourt, David
 Comerford, Timothy
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Hutchinson, Karen
 Kappler, Lawrence
 Major, Norman
 McMahon, Charles
 Oigny, Jeffrey
 Perkins, Lawrence
 Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Tamburello, Daniel
 Ward, Joanne

STRAFFORD

Andolina, Donald
 Jones, Kyle
 O'Connor, William
 Vita, Lucien

Cataldo, Sam
 Jones, Laura
 Parsons, Robbie
 Weeden, Michael

DeLemus, Susan
 Larsen Schultz, Kirsten
 Pitre, Joseph

Groen, Warren
 Munck, Philip
 Vita, Carol

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 112

BELKNAP

Bolster, Peter

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Meador, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Goley, Jeffrey
Kurk, Neal
Pilotte, Maurice
Rosenwald, Cindy

Campbell, David
Garrity, Patrick
Gorman, Mary
Leishman, Peter
Porter, Marjorie
Shaw, Barbara

Cote, David
Gidge, Kenneth
Jeudy, Jean
Levasseur, Nickolas
Ramsey, Peter
Sullivan, Daniel

Daler, Jennifer
Gimas, John
Katsiantonis, Thomas
Long, Patrick
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
Owen, Derek
Richardson, Gary
Watrous, Rick

DeStefano, Stephen
Kidder, David
Patten, Dick
Richardson, Jon
Williams, Robert

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Sapienza, Marie
Waddell, James

Case, Frank
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Read, Robin Jr
Sytek, John

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Sprague, Dale

Brown, Julie
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale
Watters, David

Domingo, Baldwin
Horrigan, Timothy
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted and ordered to third reading.

HB 652-FN, establishing a commission relative to Medicaid managed care. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John W. Cebrowski for the Majority of Finance: In the 2012-13 budget the legislature included a requirement for the department of health and human services (DHHS) to develop a managed care model. The majority of the other states have adopted similar plans. The purpose of managed care is to more closely monitor the patients that rely on the government to pay for their care. This plan has shown to save money in the long run by using preventive care to avoid more expensive treatment. We projected a 16 million dollar saving in this biennium with DHHS delivering a plan by July 15. DHHS missed the deadline, which caused great concern and was the impetus of this bill.

The next deadline is October 15. We need this bill both to emphasize the urgency needed to keep a balanced budget, and the willingness of the legislature to take over this vital plan. Some feel that the message has been delivered to the department and that they are on track. Nevertheless, passing this bill will provide oversight, if needed for the resulting plan. Vote 15-6.

Rep. Robert A. Foose for the Minority of Finance: The sponsor admitted this bill is unworkable and that the department of health and human services (DHHS) is on task and on time to issue the Request for Proposal (RFP) for Medicaid Managed Care by the middle of this month. The sponsor also stated that this bill is just an insurance policy to send a message to the department. The minority believes this bill is unnecessary and also agrees with the sponsor that its approach is unworkable. The minority further believes that the people of New Hampshire would not expect the legislature to be comfortable with a 5-day timeline to develop an RFP fully from start to finish for the \$2.6 billion federal-state partnership program that serves the oldest, weakest, most disabled and poorest residents of New Hampshire. The minority states the public deserves better management of taxpayer money.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Kurk spoke in favor.

Rep. Rosenwald spoke against and requested a roll call; sufficiently seconded.

YEAS 259 NAYS 111

YEAS 259

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Pilliod, James	Russell, David	Simpson, Tyler
St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin	Tobin, William
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hunt, John
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Beattie, Thomas	Belanger, James	Belvin, William
Bergevin, Jerry	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christiansen, Lars	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Day, Russell	DeJong, Cameron	Doherty, Shaun
Drisko, Richard	Emerton, Larry	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter

Hardwick, Harry
Hogan, Edith
Infantine, William
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Warden, Mark

Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Marcus, Bruce
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Robbins, David
Simmons, Tammy
Summers, James
Twombly, Timothy
Whitehead, Randall

Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Hinch, Richard
Hutchinson, Winfred
Lambert, George
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Reed, Michael
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Smith, Molly

Cohn, Seth
Keane, Thomas
McDonnell, John
Richardson, Jon
Soltani, Tony

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie

Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Janvrin, Kevin
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Larsen Schultz, Kirsten
Pitre, Joseph

Groen, Warren
Munck, Philip
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 111 BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Emerson, Susan
Hawkes, Samuel	Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Campbell, David	Cote, David	Daler, Jennifer
Donovan, Daniel	Gargas, Carolyn	Garrity, Patrick	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gorman, Mary	Judy, Jean
Katsiantonis, Thomas	Leishman, Peter	Levasseur, Nickolas	Long, Patrick
Messier, Irene	Pilotte, Maurice	Porter, Marjorie	Ramsey, Peter
Rokas, Ted	Rosenwald, Cindy	Scontsas, Lisa	Shaw, Barbara
Sullivan, Daniel	Vaillancourt, Steve		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Hamm, Christine	Kidder, David	Lockwood, Priscilla
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Cali-Pitts, Jacqueline	Charron, Gene	DiPentima, Rich	Lovejoy, Patricia
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Read, Robin Jr
Schlachman, Donna	Serlin, Christopher		

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy
Kaen, Naida	Keans, Sandra	Pelletier, Marsha	Perry, Robert
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
Schmidt, Andrew			

and the majority committee report was adopted and ordered to third reading.

SB 198-FN, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF). **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Neal M. Kurk for the Majority of Finance: Due to an oversight in budget preparation, some citizens were allowed to 'double dip' in public assistance. This happened by allowing them to disallow state supplemental assistance or federal social security under Title XVI when they applied for Temporary Assistance to Needy Families (TANF). This bill makes the correction which should save the state \$8 million per year, an amount already incorporated in HB 1. An amendment has been added which is relevant because both subjects were treated in HB 2. The amendment confirms that

the Judicial Branch should add no replacement or new marital masters. Although this was part of HB 2, the Judicial Branch interpreted the language to allow further appointments. Marital masters are appointed for a term by the Judicial Branch without the oversight and vetting that takes place for judges with Governor and Council approval. At one time, the state received a large amount of federal assistance to help pay for marital masters, but lately that has largely diminished. Vote 17-4. Rep. Robert A. Foose for the Minority of Finance: The minority believes that what began as a technical correction to an oversight in HB 2 has been transferred into a political negotiation over a non-germane amendment. By refusing to honor the original plan to clarify the oversight, the action of the House will cost the state an additional \$2 million in lost savings because the Senate is in recess until January. As noted in the public hearing on the amendment, there is other legislation moving through the process that would accomplish the same end. The Minority asks for a vote of ITL.

Majority Amendment (2605h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF) and relative to marital master contracts.

Amend the bill by replacing all after section 2 with the following:

3 Marital Master Contracts. No new marital master contracts shall be entered into by the state and no existing marital master contracts shall be renewed, extended, reinstated, transferred, or modified by the state on or after the effective date of this section.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill removes a limitation on the amount of earned income that is disregarded for purposes of calculating aid to the permanently and totally disabled. The bill also includes persons receiving federal assistance in the TANF household for purposes of calculating income eligibility.

This bill also clarifies that no marital master contracts shall be entered into or renewed, extended, reinstated, transferred, or modified by the state on or after the effective date of this bill.

Reps. Lynne Ober and Bettencourt spoke in favor.

Reps. Horrigan and Vaillancourt spoke against.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Foose spoke against.

Rep. Weyler spoke in favor.

Rep. Rosenwald requested a roll call; sufficiently seconded.

YEAS 237 NAYS 126

YEAS 237

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Tregenza, Norman

Fleck, Joseph
Morrow, Harry
Umberger, Karen

Knox, J. David
Patten, Betsey

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Mirski, Paul
Sorg, Gregory

Brosseau, Charles
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Beattie, Thomas
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Donovan, Daniel
Flanagan, Jack
Gimas, John
Hansen, Peter
Hinch, Richard
Jasper, Shawn
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belanger, James
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Drisko, Richard
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Reed, Michael
Scotsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belvin, William
Buxton, Michael
Coffey, James
Day, Russell
Emerton, Larry
Gagne, Larry
Graham, John
Hawkins, Kenneth
Holden, Frank
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Boehm, Ralph
Cebrowski, John
Condra, William
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Parison, James
Pratt, Calvin
Robbins, David
Silva, Peter
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Cohn, Seth
Keane, Thomas
McDonnell, John
Richardson, Jon

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie

Hill, Gregory
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Allen, Mary
Bates, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Headd, James
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Oligny, Jeffrey
Perkins, Lawrence
Rice, Frederick
Schroader, Adam
Smith, William
Tasker, Kyle
Webb, James

Antosz, Jason
Belanger, Ronald
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Janvrin, Kevin
Major, Norman
Murphy, Brian
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

Azarian, Gary
Bettencourt, David
Davenport, Joshua
Elliott, Robert
Garrity, James
Hutchinson, Karen
Kappler, Lawrence
Manuse, Andrew
O'Connor, John
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Larsen Schultz, Kirsten
Pitre, Joseph

Groen, Warren
Munck, Philip
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

**NAYS 126
BELKNAP**

None

CARROLL

Babson, David Jr

Scala, Dino

CHESHIRE

Butynski, William
Hawkes, Samuel
Lindsey, Steven
Sad, Tara
Weed, Charles

Carr, Daniel
Johnsen, Gladys
Meader, David
Sterling, Franklin Jr

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
White, Andrew

Almy, Susan
Harding, Laurie
Pierce, David

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Garrity, Patrick
Judy, Jean
Levasseur, Nickolas
Pilotte, Maurice
Rosenwald, Cindy

Barry, J. Gail
Cote, David
Gidge, Kenneth
Katsiantonis, Thomas
Long, Patrick
Porter, Marjorie
Shaw, Barbara

Bergevin, Jerry
DeJong, Cameron
Goley, Jeffrey
Kurk, Neal
Messier, Irene
Ramsey, Peter
Sullivan, Daniel

Brown, Kevin
Gargas, Carolyn
Gorman, Mary
Leishman, Peter
Moran, Edward
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
Owen, Derek
Richardson, Gary
Watrous, Rick

DeStefano, Stephen
Kidder, David
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Foose, Robert
Lauer-Rago, Kathleen
Potter, Frances
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
DiPentima, Rich
McKinney, Betsy
Quandt, Marshall
Serlin, Christopher

Case, Frank
Dowling, Patricia
Moody, Marcia
Read, Robin Jr
Sytek, John

Charron, Gene
Katsakiores, Phyllis
Norelli, Terie
Sapienza, Marie
Waddell, James

Copeland, Timothy
Lovejoy, Patricia
Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Sprague, Dale

Brown, Julie
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale
Watters, David

Domingo, Baldwin
Horrigan, Timothy
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the majority committee report was adopted and ordered to third reading.

HB 654-FN-L, relative to credit for retirement system employer contribution overpayments.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Seth Cohn for the Majority of the Special Committee on Public Employee Pensions Reform: This bill would credit retirement system employers for the increased rates they paid in July 2011, prior to the recertification of employer contribution rates as passed in HB 2, which took effect in August 2011. The unexpected rate increase occurred due to the timing of the passage of HB 2, and the retirement system used the rates previously certified to begin in July 2011, rather than using the new rates intended to begin in July. In order to continue our goal of no net downshifting to the towns and cities, a credit to the political subdivisions in the amount of slightly more than \$4 million is needed. This \$4 million a month differential shows what would have happened with no legislative change to the retirement system at all, compared to the changes that we passed in HB 2. A question was raised regarding the constitutionality of this bill by the retirement system legal counsel, concerned by what they perceived as a retroactive action. The legislative intent that the rates previously certified to begin in July 2011 would not take effect, instead only the new rates from HB 2, was clearly discussed in multiple hearings, and we believe that this intent should be upheld. Vote 6-3.

Rep. Daniel J. Sullivan for the Minority of the Special Committee on Public Employee Pensions Reform: The NH Retirement System has stated that this bill violates Part 1, Article 36-a of the NH Constitution, which requires that employers (cities and towns) pay contributions to the system as certified by the board of trustees. This bill would adjust the rates certified on July 1, 2011 retroactively, which violates this article, and is therefore unconstitutional. Further, the bill takes more money from the NHRS at a time when this legislature's stated objective has been to reduce the \$4-plus billion unfunded liability created in the 1990's. The minority believes that this bill would continue the practice of "kicking the can down the road" by irresponsibly spending money stolen from the NHRS, and leaving the system deeper in debt.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Shurtleff spoke against.

Rep. Jasper spoke in favor.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 253 NAYS 110**YEAS 253****BELKNAP**

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	Simpson, Tyler
St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin	Tobin, William
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Scala, Dino	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hunt, John
Moore, Charles	Moore, Robert Jr	Smith, Edwin	

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
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GRAFTON

Bradley, Lester
Ingbretson, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Cebrowski, John
Condra, William
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Long, Patrick
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Flanagan, Jack
Gargasz, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Belvin, William
Burt, John
Coffey, James
Day, Russell
Drisko, Richard
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

Cohn, Seth
Keane, Thomas
Lindsley, Mark
Palfrey, David
Smith, Molly

Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Richardson, Jon
Soltani, Tony

Hill, Gregory
Kotowski, Frank
McDonnell, John
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Packard, Sherman
Ritter, Glenn
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

Antosz, Jason
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Elliott, Robert
Garrity, James
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Peckham, Michele
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren

Brown, Julie
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz, Kirsten

Munck, Philip
Roberts, Jenna

O'Connor, William
Vita, Carol

Parsons, Robbie
Vita, Lucien

Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 110 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Lindsey, Steven
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Johnson, Jane
Roberts, Kris
Weed, Charles

Emerson, Susan
Lerandean, Alfred
Sad, Tara

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn
Tremblay, Marc

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Leishman, Peter
Proulx, Mark
Shaw, Barbara

Brown, Kevin
Daler, Jennifer
Gorman, Mary
Levasseur, Nickolas
Ramsey, Peter
Sullivan, Daniel

Buxton, Michael
Garrity, Patrick
Judy, Jean
Pilotte, Maurice
Rokas, Ted

Campbell, David
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
MacKay, James
Potter, Frances
Wallner, Mary Jane

Foose, Robert
McGuire, Dan
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Perkins, Amy
Read, Robin Jr

Copeland, Timothy
Moody, Marcia
Perkins, Lawrence
Reagan, John

DiPentima, Rich
Norelli, Terie
Quandt, Marshall
Schlachman, Donna

Janvrin, Kevin
Pantelakos, Laura
Quandt, Matt
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horriggan, Timothy
Perry, Robert
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the majority committee report was adopted and ordered to third reading.

MOTION TO SUSPEND HOUSE RULES

Rep. Shurtleff moved that House Rules be so far suspended as to allow **HB 654-FN-L**, relative to credit for retirement system employer contribution overpayments, to be referred to the 2nd committee of Finance with a reporting deadline of December 23, 2011.

Rep. Weyler spoke against.

Rep. Shurtleff spoke in favor and requested a roll call; sufficiently seconded.

YEAS 113 NAYS 248**YEAS 113****BELKNAP**

None

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Emerson, Susan
Hawkes, Samuel	Johnsen, Gladys	Lerandeaau, Alfred	Lindsey, Steven
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Theberge, Robert			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Cooney, Mary	Gould, Franklin	Harding, Laurie	Ladd, Rick Jr
Nordgren, Sharon	Pastor, Beatriz	Pierce, David	Smith, Suzanne
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Brown, Kevin	Campbell, David	Cote, David
Daler, Jennifer	Gandia, Laura	Garrity, Patrick	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gorman, Mary	Jeady, Jean
Katsiantonis, Thomas	Leishman, Peter	Levasseur, Nickolas	Moran, Edward
Pilotte, Maurice	Porter, Marjorie	Ramsey, Peter	Rokas, Ted
Rosenwald, Cindy	Shaw, Barbara	Sullivan, Daniel	

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Hamm, Christine	Hoell, J.R.
Kidder, David	Lauer-Rago, Kathleen	MacKay, James	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	Copeland, Timothy	DiPentima, Rich
Janvrin, Kevin	Lovejoy, Patricia	Manuse, Andrew	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence
Quandt, Matt	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Perry, Robert
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 248**BELKNAP**

Accornero, Harry
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Scala, Dino

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Mirski, Paul
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

Ingbreton, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Buxton, Michael
Coffey, James
Day, Russell
Drisko, Richard
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Long, Patrick
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rowe, Robert

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Cebrowski, John
Condra, William
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Reed, Michael
Scoutsas, Lisa

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl

Barry, J. Gail
Belvin, William
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Robbins, David
Silva, Peter

Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie

Giuda, J. Brandon
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Hill, Gregory
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Keane, Thomas
McDonnell, John
Richardson, Jon
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

Allen, Mary
Bates, David
Charron, Gene
DeSimone, Debra
Elliott, Robert
Garrity, James
Hutchinson, Karen
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Reagan, John
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sytek, John
Waddell, James
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Packard, Sherman
Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

STRAFFORD

Andolina, Donald
Groen, Warren
Munck, Philip
Roberts, Jenna

Brown, Julie
Jones, Kyle
O'Connor, William
Vita, Carol

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Vita, Lucien

DeLemus, Susan
Larsen Schultz, Kirsten
Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and the motion failed.

REGULAR CALENDAR (CONT'D)

HB 656, relative to boundaries of wards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul Mirski for the Majority of the Special Committee on Redistricting: As of this date not all cities have completed the re-drawing of their ward lines. The House however must establish fixed parameters for its own redistricting purposes; otherwise whatever it would produce in the way of a redistricting plan would remain in flux and could not be finalized for a vote by the House in early 2012. Fixing the date of January 3, 2012 as the date for finalizing all city ward lines resolves this problem. With regard to Portsmouth ward lines, the boundaries of Portsmouth's wards have been established in session law since the 19th century. Portsmouth now seeks to have the ward lines described in HB 656 established in law for the November 2012 elections and going forward. Vote 12-5. Rep. David M. Pierce for the Minority of the Special Committee on Redistricting: The amendment requires the redistricting plan to be developed according to the city ward lines in place on January 3, 2012. Some cities have told us they won't have their ward lines drawn by that deadline. This means that any plan that relies on outdated ward lines for even one city is virtually certain to be in violation of the one person, one vote requirement and, therefore, unconstitutional. The

committee might have discovered this earlier if the amendment had had a public hearing, which it didn't. Committee members in the majority admitted the amendment was not ready for prime time and the committee discussed how this bill probably won't become law until after the bill's deadline. This makes the whole bill a pointless exercise. The committee should produce work product that matters. Redistricting is too important to our constituents and deserves our best effort.

Majority Amendment (2676h)

Amend the bill by replacing all after the enacting clause with the following:

1 Ward Boundaries; Legislative Districts. Ward boundaries in effect on January 3, 2012 shall be the ward boundaries used to determine state legislative districts beginning with the November 2012 state general election.

2 City of Portsmouth; Wards. 1895, 183:1, as amended by 1947, 390:1; 1957, 412:1; 1971, 582:1; 1983, 424:1; and 1989, 210:2, is repealed and reenacted to read as follows:

Section 1. The city of Portsmouth in the county of Rockingham is and shall be divided into 5 wards which shall be constituted as follows:

Ward 1 shall contain all that part of the city included within the following boundaries: Beginning at a point in the Piscataqua river on the boundary of the city of Portsmouth, the state of Maine, and the town of Newington; thence southeasterly along the boundary of the city of Portsmouth and the state of Maine to the point where U.S. route 1 crosses the boundary of the city of Portsmouth and the state of Maine; thence southwesterly along U.S. route 1 to a point where U.S. route 1 passes over Daniel street; thence southwesterly along Daniel street to the intersection of Daniel street and Congress street; thence southwesterly along Congress street to the intersection of Congress street and Maplewood avenue; thence northwesterly along Maplewood avenue to the middle of a bridge crossing the so-called North Mill pond; thence southwesterly along a line following the midpoint of the so-called North Mill pond until it intersects Bartlett street at a point 300 feet north of the intersection of Bartlett street and Cate street; thence northwesterly along Bartlett street to the intersection of Bartlett street and Woodbury avenue; thence northwesterly 10,000 feet along Woodbury avenue to the intersection of Woodbury avenue and Gosling road; thence northeasterly along Gosling road to its terminus; thence northeasterly along the boundary of the town of Newington and the city of Portsmouth to the point of beginning.

Ward 2 shall contain all that part of the city included within the following boundaries: Beginning at the middle of the Maplewood avenue bridge at the northeast end of North Mill pond; thence southeasterly along Maplewood avenue to the intersection of Maplewood avenue and Middle street; thence southerly along Middle street to the intersection of Middle street and Court street; thence northeasterly along Court street to the intersection of Court street and Rogers street; thence southerly along Rogers street to the intersection of Rogers street and Parrott avenue; thence southerly along Parrott avenue to the intersection of Parrott avenue and Richards avenue; thence northerly along Richards avenue a distance of 150 feet; thence southwesterly along a line until said line reaches the intersection of Merrimac street and Miller avenue; thence southeasterly along Miller avenue until it reaches the intersection of Miller avenue and South street; thence westerly along South street until it reaches the intersection of South street and Middle road; thence southwesterly along Middle road until the intersection of Middle road and U.S. route 1 bypass; thence northwesterly along U.S. route 1 bypass to a point where it is crossed by a railroad track; thence northeasterly along said railroad track until a point where it crosses Bartlett street; thence northwesterly along Bartlett street until a point 300 feet north of the intersection of Bartlett street and Cate street; thence northeasterly along a line following the middle of the so-called North Mill pond to the point of beginning.

Ward 3 shall contain all that part of the city included within the following boundaries: Beginning at a point at the intersection of the boundary of the city of Portsmouth, the town of Newington, and the town of Greenland; thence northerly along the boundary of the city of Portsmouth and the town of Newington a distance of 8,400 feet; thence continuing northeasterly along the boundary of the city of Portsmouth and the town of Newington to the intersection of the boundary of the city of Portsmouth and the town of Newington and Woodbury avenue; thence southeasterly along Woodbury avenue a distance of 10,000 feet to the intersection of Woodbury avenue and Bartlett street; thence southerly along Bartlett street to a point where a railroad line crosses Bartlett street; thence southwesterly along said railroad line to a point where it crosses U.S. route 1 bypass; thence southeasterly along U.S. route 1 bypass to a point where it intersects Greenleaf avenue; thence southwesterly along Greenleaf avenue to the intersection of Greenleaf avenue and Peverly Hill road; thence southeasterly along Peverly Hill

road to the intersection of Peverly Hill road and Lafayette road; thence southwesterly along Lafayette road to a point at the boundary of the city of Portsmouth and the town of Rye; thence northwesterly along the boundary of the city of Portsmouth and the town of Rye to the intersection of the boundaries of the city of Portsmouth, the town of Rye, and the town of Greenland; thence northerly along the boundary of the city of Portsmouth and the town of Greenland to the point of beginning.

Ward 4 shall contain all that part of the city included within the following boundaries: Beginning at a point at the intersection of South street and Summit avenue; thence southerly along Summit avenue to the point where Andrew Jarvis drive crosses Summit avenue; thence westerly along Andrew Jarvis drive to the intersection of Andrew Jarvis drive and Lafayette road; thence southerly along Lafayette road to a bridge over the so-called Sagamore creek; thence easterly along a line following the center of the so-called Sagamore creek to a point at the boundary of the city of Portsmouth, the town of Rye, and the town of New Castle; thence southwesterly along the boundary of the city of Portsmouth and the town of Rye to a point where the boundary between the city of Portsmouth and the town of Rye turns northwesterly; thence northwesterly along the boundary of the city of Portsmouth and the town of Rye to the intersection of the boundary of the city of Portsmouth and the town of Rye with Lafayette road; thence northeasterly along Lafayette road to the intersection of Lafayette road and Peverly Hill road; thence northwesterly along Peverly Hill road to the intersection of Peverly Hill road and Greenleaf avenue; thence northeasterly along Greenleaf avenue to the intersection of Greenleaf avenue and U.S. route 1 bypass; thence northwesterly along U.S. route 1 bypass to the intersection of U.S. route 1 bypass and Middle road; thence easterly along Middle road to the intersection of Middle road and South street; thence easterly along South street to the point of beginning.

Ward 5 shall contain all that part of the city included within the following boundaries: Beginning at a point where U.S. route 1 intersects the boundary between the city of Portsmouth and the state of Maine; thence southeasterly along the boundary between the city of Portsmouth and the state of Maine to the boundary of the city of Portsmouth, the state of Maine, and the town of New Castle; thence southerly along the boundary of the city of Portsmouth and the town of New Castle to the boundary of the city of Portsmouth, the town of New Castle, and the town of Rye; thence southwesterly along the boundary of the city of Portsmouth and the town of Rye to the midpoint of the so-called Sagamore creek; thence westerly along a line following the center of the so-called Sagamore creek to the Lafayette road bridge over the so-called Sagamore creek; thence northerly along Lafayette road to the intersection of Lafayette road and Andrew Jarvis drive; thence northeasterly along Andrew Jarvis drive to the intersection of Andrew Jarvis drive and Summit avenue; thence northerly along Summit avenue to the intersection of Summit avenue and South street; thence easterly along South street to the intersection of South street and Miller avenue; thence northwesterly along Miller avenue to the intersection of Miller avenue and Merrimac street; thence northeasterly along a line to a point on Richards avenue 150 feet northerly from the intersection of Richards avenue and Parrott avenue; thence southeasterly along Richards avenue to the intersection of Richards avenue and Parrott avenue; thence northeasterly along Parrott avenue to the intersection of Parrott avenue and Rogers street; thence northwesterly along Rogers street to the intersection of Rogers street and Court street; thence westerly along Court street to the intersection of Court street and Middle street; thence northerly along Middle street to the intersection of Middle street and Congress street; thence northeasterly along Congress street to the intersection of Congress street and Daniel street; thence northeasterly along Daniel street to the point where it is crossed by U.S. route 1; thence northerly along U.S. route 1 to the point of beginning.

3 Effective Date: This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the use of ward boundaries in effect on January 3, 2012 for state legislative districts. This bill also establishes ward lines for the city of Portsmouth.

Rep. Mirski spoke in favor.

Rep. Weber spoke against and requested a roll call; sufficiently seconded.

YEAS 254 NAYS 105

YEAS 254

BELKNAP

Accornero, Harry
Kingsbury, Robert

Fields, Dennis
Luther, Robert

Flanders, Donald
Malone, Robert

Greemore, Robert
Millham, Alida

Pilliod, James
Swinford, Elaine

Russell, David
Tilton, Franklin

Simpson, Tyler
Tobin, William

St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Scala, Dino

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbreton, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Buxton, Michael
Coffey, James
Day, Russell
Drisko, Richard
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Infantine, William
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Graham, John
Hardwick, Harry
Holden, Frank
Jasper, Shawn
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Coughlin, Sean
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hopper, Gary
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie

Cohn, Seth
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Hill, Gregory
Kotowski, Frank
McDonnell, John
Richardson, Jon
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred

Allen, Mary
Bates, David

Antosz, Jason
Belanger, Ronald

Azarian, Gary
Bettencourt, David

Birdsell, Regina
 Comerford, Timothy
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Mauro, Donna
 O'Connor, John
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tamburello, Daniel
 Ward, Joanne

Case, Frank
 Copeland, Timothy
 Dowling, Patricia
 Fesh, Robert
 Headd, James
 Itse, Daniel
 MacMahon, Bruce
 McKinney, Betsy
 Okerman, Richard
 Reichard, Kevin
 Sapienza, Marie
 Smith, William
 Tasker, Kyle
 Webb, James

Charron, Gene
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Hoelzel, Kathleen
 Kappler, Lawrence
 Major, Norman
 McMahon, Charles
 Packard, Sherman
 Rice, Frederick
 Schroadter, Adam
 Sullivan, James
 Tremblay, Stella
 Welch, David

Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Hutchinson, Karen
 Katsakiores, Phyllis
 Manuse, Andrew
 Murphy, Brian
 Quandt, Matt
 Ritter, Glenn
 Sedensky, John
 Sytek, John
 Waddell, James
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 Jones, Kyle
 O'Connor, William
 Vita, Lucien

Cataldo, Sam
 Jones, Laura
 Parsons, Robbie
 Weeden, Michael

DeLemus, Susan
 Larsen Schultz, Kirsten
 Pitre, Joseph

Groen, Warren
 Munck, Philip
 Vita, Carol

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 105 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
 Johnsen, Gladys
 Parkhurst, Henry
 Weber, Lucy

Chase, Cynthia
 Lerandeau, Alfred
 Roberts, Kris
 Weed, Charles

Emerson, Susan
 Lindsey, Steven
 Sad, Tara

Hawkes, Samuel
 Meader, David
 Tatro, Bruce

COOS

Coulombe, Gary
 Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
 Gould, Franklin
 Pierce, David

Almy, Susan
 Harding, Laurie
 Smith, Suzanne

Benn, Bernard
 Nordgren, Sharon
 Townsend, Charles

Cooney, Mary
 Pastor, Beatriz
 White, Andrew

HILLSBOROUGH

Baroody, Benjamin
 Garrity, Patrick
 Gorman, Mary
 Levasseur, Nickolas
 Rokas, Ted
 Thomas, Joseph

Campbell, David
 Gidge, Kenneth
 Jeudy, Jean
 Long, Patrick
 Rosenwald, Cindy

Cote, David
 Gimás, John
 Katsiantonis, Thomas
 Pilotte, Maurice
 Shaw, Barbara

Daler, Jennifer
 Goley, Jeffrey
 Leishman, Peter
 Porter, Marjorie
 Sullivan, Daniel

MERRIMACK

Bouchard, Candace
 Frazer, June

Deloge, Helen
 Hamm, Christine

DeStefano, Stephen
 MacKay, James

Foose, Robert
 Owen, Derek

Patten, Dick
Shurtleff, Stephen
Williams, Robert

Potter, Frances
Soltani, Tony

Rice, Chip
Wallner, Mary Jane

Richardson, Gary
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Quandt, Marshall

Janvrin, Kevin
Pantelakos, Laura
Read, Robin Jr

Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Sprague, Dale

Brown, Julie
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale
Watters, David

Domingo, Baldwin
Horrigan, Timothy
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
and the majority committee amendment was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Vaillancourt offered floor amendment (2695h).

Floor Amendment (2695h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Lebanon. Notwithstanding section 1 of this act and with the understanding that the Lebanon city council has approved a plan (ward 1, 4,427, ward 2, 4,340, ward 3, 4,384), that plan shall be used for redistricting purposes if approved by voters in March 2012.

Reps. Weber and Bates spoke against.

Reps. Vaillancourt and Almy spoke in favor and yielded to questions.

Rep. Mirski spoke against and yielded to questions.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 131 NAYS 216

YEAS 131

BELKNAP

Millham, Alida

CARROLL

Fleck, Joseph

CHESHIRE

Cartwright, Anne
Johnsen, Gladys
Meador, David
Sad, Tara

Chase, Cynthia
Johnson, Jane
Moore, Robert Jr
Sterling, Franklin Jr

Emerson, Susan
Lerandeau, Alfred
Parkhurst, Henry
Tatro, Bruce

Hawkes, Samuel
Lindsey, Steven
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Tholl, John Jr

Hatch, William
Thomas, Yvonne

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
White, Andrew

Almy, Susan
Harding, Laurie
Simard, Paul

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Fredette, Robert
Hutchinson, Winfred
Leishman, Peter
Messier, Irene
Pilotte, Maurice
Rokas, Ted
Summers, James
Villeneuve, Moe

Barry, J. Gail
DeJong, Cameron
Gimas, John
Infantine, William
Levasseur, Nickolas
Moran, Edward
Porter, Marjorie
Rosenwald, Cindy
Swank, Matthew

Bergevin, Jerry
Drisko, Richard
Goley, Jeffrey
Judy, Jean
Long, Patrick
Murphy, Keith
Renzullo, Andrew
Shaw, Barbara
Ulery, Jordan

Brownrigg, Randall Jr
Erickson, Duane
Gorman, Mary
Katsiantonis, Thomas
McCarthy, Michael
Ober, Russell III
Robbins, David
Sullivan, Daniel
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Foose, Robert
Lockwood, Priscilla
Potter, Frances
Soltani, Tony

Cohn, Seth
Hamm, Christine
MacKay, James
Richardson, Gary
Wallner, Mary Jane

Deloge, Helen
Hoell, J.R.
Owen, Derek
Seaworth, G. Brian
Watrous, Rick

DeStefano, Stephen
Kidder, David
Patten, Dick
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Allen, Mary
Chirichiello, Brian
Pantelakos, Laura
Sheffert, Kenneth

Cali-Pitts, Jacqueline
MacMahon, Bruce
Reagan, John
Webb, James

Case, Frank
Manuse, Andrew
Schlachman, Donna

Charron, Gene
Norelli, Terie
Serlin, Christopher

STRAFFORD

Brown, Julie
Grassie, Anne
Keans, Sandra
Roberts, Jenna
Vita, Lucien

Browne, Brendon
Hooper, Dorothea
Munck, Philip
Schmidt, Peter
Wall, Janet

Domingo, Baldwin
Horrigan, Timothy
Pelletier, Marsha
Spainhower, Dale
Watters, David

Ginsburg, Philip
Kaen, Naida
Perry, Robert
Spang, Judith

SULLIVAN

Bowers, Spec

Cloutier, John

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 216**BELKNAP**

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Greemore, Robert
Piiliod, James
Swinford, Elaine

Kingsbury, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Patten, Betsey
Umberger, Karen

Knox, J. David
Scala, Dino

CHESHIRE

Butynski, William
Moore, Charles

Byrnes, John
Smith, Edwin

Dwinell, Richard
Weber, Lucy

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingretson, Paul
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Bulis, Lyle
Pierce, David

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Beattie, Thomas	Belanger, James	Belvin, William	Boehm, Ralph
Brown, Kevin	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell	Doherty, Shaun
Donovan, Daniel	Emerton, Larry	Flanagan, Jack	Gagne, Larry
Gandia, Laura	Gargas, Carolyn	Gidge, Kenneth	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Haefner, Robert	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hogan, Edith	Holden, Frank
Hopper, Gary	Jasper, Shawn	Kurk, Neal	Lambert, George
Maltz, Jonathan	Marcus, Bruce	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Notter, Jeanine	Ober, Lynne	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Parison, James	Pellegrino, Tony
Pepino, Leo	Peterson, Lenette	Pratt, Calvin	Proulx, Mark
Reed, Michael	Rowe, Robert	Scotsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Souza, Kathleen
Stroud, Kathleen	Terrio, Ross	Thomas, Joseph	Twombly, Timothy
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Coffey, Jennifer	Frazer, June	Giuda, J. Brandon	Hill, Gregory
Keane, Thomas	Kotowski, Frank	Lauer-Rago, Kathleen	Lindsley, Mark
McDonnell, John	McGuire, Carol	McGuire, Dan	Palfrey, David
Rice, Chip	Richardson, Jon	Sanborn, Laurie	Smith, Molly
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Comerford, Timothy	Copeland, Timothy	Davenport, Joshua	DeSimone, Debra
Devine, James	DiPentima, Rich	Dowling, Patricia	Duarte, Joe
Elliott, Robert	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Griffin, Mary	Headd, James	Hoelzel, Kathleen
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Janvrin, Kevin
Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter	Lovejoy, Patricia
Major, Norman	Mauro, Donna	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Murphy, Brian	O'Connor, John	Okerman, Richard
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Quandt, Matt
Read, Robin Jr	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Schroadter, Adam	Sedensky, John	Shuler, Wyman III
Smith, William	Sullivan, James	Sytek, John	Tasker, Kyle
Tremblay, Stella	Waddell, James	Ward, Joanne	Welch, David
Weyler, Kenneth			

STRAFFORD

Andolina, Donald	Berube, Roger	Cataldo, Sam	DeLemus, Susan
Groen, Warren	Jones, Kyle	Jones, Laura	Larsen Schultz, Kirsten
O'Connor, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Weeden, Michael			

SULLIVAN

Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr	Laware, Thomas
Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly	Smith, Steven
and floor amendment (2695h) failed.			

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Mirski offered floor amendment (2729h).

Floor Amendment (2729h)

Amend the bill by replacing section 1 with the following:

1 Ward Boundaries; Legislative Districts. Ward boundaries in effect on January 7, 2012 shall be the ward boundaries used to determine state legislative districts beginning with the November 2012 state general election.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Special Election; Requirements Waived. Any city may hold a special election for purposes of adopting ward boundaries to comply with the deadline established in section 1 of this act. All statutory requirements that in any way limit the ability of a city to schedule and to hold a special election by January 7, 2012 are hereby waived, including, but not limited to, all time limitations and requirements relating to notice and hearings.

AMENDED ANALYSIS

This bill requires the use of ward boundaries in effect on January 7, 2012 for state legislative districts and authorizes special elections to adopt ward boundaries that are not subject to statutory requirements. This bill also establishes ward lines for the city of Portsmouth.

Rep. Mirski spoke in favor.

Rep. Weber spoke against and requested a roll call; sufficiently seconded.

YEAS 221 NAYS 111**YEAS 221****BELKNAP**

Fields, Dennis	Flanders, Donald	Greemore, Robert	Kingsbury, Robert
Luther, Robert	Malone, Robert	Millham, Alida	Pilliod, James
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Tobin, William	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Knox, J. David
McCarthy, Frank	McConkey, Mark	Patten, Betsey	Scala, Dino
Schmidt, Stephen	Umberger, Karen		

CHESHIRE

Cartwright, Anne	Dwinell, Richard	Hunt, John	Moore, Robert Jr
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Shackett, Jeffrey
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Beattie, Thomas	Belanger, James	Belvin, William
Bergevin, Jerry	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Christiansen, Lars
Coffey, James	Condra, William	Cusson-Cail, Kathleen	Day, Russell
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Emerton, Larry	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Gagne, Larry	Gandia, Laura	Gargas, Carolyn	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Hansen, Peter	Hardwick, Harry

Hawkins, Kenneth
Hopper, Gary
Marcus, Bruce
Moran, Edward
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

Hikel, John
Jasper, Shawn
McCarthy, Michael
Murphy, Keith
Palmer, Stephen
Pilotte, Maurice
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Hogan, Edith
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Holden, Frank
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve

MERRIMACK

Coffey, Jennifer
Kotowski, Frank
McDonnell, John
Sanborn, Laurie

Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

Keane, Thomas
Lindsley, Mark
McGuire, Dan
Smith, Molly

Kidder, David
Lockwood, Priscilla
Palfrey, David
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Perkins, Amy
Reichard, Kevin
Sedensky, John
Sytek, John
Ward, Joanne

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garrity, James
Itse, Daniel
MacMahon, Bruce
O'Connor, John
Perkins, Lawrence
Rice, Frederick
Shuler, Wyman III
Tasker, Kyle
Webb, James

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Kappler, Lawrence
Major, Norman
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Smith, William
Tremblay, Stella
Welch, David

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Sullivan, James
Waddell, James
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Larsen Schultz, Kirsten
Pitre, Joseph

Groen, Warren
Munck, Philip
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 111

BELKNAP

Accornero, Harry

Tregenza, Norman

CARROLL

CHESHIRE

Butynski, William
Johnsen, Gladys
Meader, David
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Emerson, Susan
Lerandau, Alfred
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

COOSCoulombe, Gary
Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

GRAFTONAguiar, James
Gould, Franklin
Pierce, DavidAlmy, Susan
Harding, Laurie
Reilly, Harold SrBenn, Bernard
Nordgren, Sharon
Smith, SuzanneCooney, Mary
Pastor, Beatriz
Townsend, Charles**HILLSBOROUGH**Baroody, Benjamin
Daler, Jennifer
Goley, Jeffrey
Jeudy, Jean
Long, Patrick
Rokas, Ted
Thomas, JosephCampbell, David
Garrity, Patrick
Gorman, Mary
Katsiantonis, Thomas
Messier, Irene
Rosenwald, CindyChampagne, Norma
Gidge, Kenneth
Hutchinson, Winfred
Leishman, Peter
Porter, Marjorie
Shaw, BarbaraCote, David
Gimas, John
Infantine, William
Levasseur, Nickolas
Pratt, Calvin
Sullivan, Daniel**MERRIMACK**Bouchard, Candace
Foose, Robert
Owen, Derek
Richardson, Gary
Watrous, RickCohn, Seth
Frazer, June
Patten, Dick
Shurtleff, Stephen
Williams, RobertDeloge, Helen
Hoell, J.R.
Potter, Frances
Soltani, TonyDeStefano, Stephen
MacKay, James
Rice, Chip
Wallner, Mary Jane**ROCKINGHAM**Cali-Pitts, Jacqueline
Janvrin, Kevin
Quandt, MarshallCase, Frank
Moody, Marcia
Read, Robin JrDiPentima, Rich
Norelli, Terie
Schlachman, DonnaElliott, Robert
Pantelakos, Laura
Serlin, Christopher**STRAFFORD**Berube, Roger
Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Sprague, DaleBrown, Julie
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, JanetBrowne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale
Watters, DavidDomingo, Baldwin
Horrigan, Timothy
Perry, Robert
Spang, Judith**SULLIVAN**Cloutier, John
and floor amendment (2729h) was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

MOTION TO LAY ON THE TABLE

Rep. Harding moved that **HB 656**, relative to boundaries of wards, be laid on the table.

Rep. Harding requested a roll call; sufficiently seconded.

YEAS 126 NAYS 205**YEAS 126****BELKNAP**

Accornero, Harry

Flanders, Donald

Millham, Alida

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Meador, David
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Almy, Susan
Harding, Laurie
Reilly, Harold Sr

Benn, Bernard
Nordgren, Sharon
Simard, Paul

Cooney, Mary
Pastor, Beatriz
Smith, Suzanne

Gould, Franklin
Pierce, David
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Champagne, Norma
Gandia, Laura
Goley, Jeffrey
Katsiantonis, Thomas
McCarthy, Michael
Robbins, David
Sullivan, Daniel
Vaillancourt, Steve

Beattie, Thomas
Cote, David
Garrity, Patrick
Gorman, Mary
Leishman, Peter
Moran, Edward
Rokas, Ted
Summers, James

Brownrigg, Randall Jr
Daler, Jennifer
Gidge, Kenneth
Hutchinson, Winfred
Levasseur, Nickolas
Pilotte, Maurice
Rosenwald, Cindy
Swank, Matthew

Campbell, David
Erickson, Duane
Gimas, John
Jeudy, Jean
Long, Patrick
Porter, Marjorie
Shaw, Barbara
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Foose, Robert
MacKay, James
Rice, Chip
Wallner, Mary Jane

Cohn, Seth
Frazer, June
Owen, Derek
Richardson, Gary
Watrous, Rick

Deloge, Helen
Hoell, J.R.
Patten, Dick
Shurtleff, Stephen
Williams, Robert

DeStefano, Stephen
Kidder, David
Potter, Frances
Soltani, Tony

ROCKINGHAM

Allen, Mary
Janvrin, Kevin
Norelli, Terie
Schlachman, Donna

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura
Serlin, Christopher

Case, Frank
Mauro, Donna
Quandt, Marshall

DiPentima, Rich
Moody, Marcia
Read, Robin Jr

STRAFFORD

Brown, Julie
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale
Watters, David

Domingo, Baldwin
Horrigan, Timothy
Perry, Robert
Spang, Judith

Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

NAYS 205**BELKNAP**

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

Kingsbury, Robert
Simpson, Tyler
Tobin, William

Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Patten, Betsey
Umberger, Karen

Knox, J. David
Scala, Dino

CHESHIRE

Cartwright, Anne
Smith, Edwin

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

Moore, Robert Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Ladd, Rick Jr
Sova, Charles

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Graham, John
Hawkins, Kenneth
Hopper, Gary
Maltz, Jonathan
Messier, Irene
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Twombly, Timothy
Whitehead, Randall

Balboni, Michael
Belanger, James
Brown, Kevin
Christiansen, Lars
Day, Russell
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hikel, John
Infantine, William
Marcus, Bruce
Notter, Jeanine
Parison, James
Proulx, Mark
Scontos, Lisa
Souza, Kathleen
Ulery, Jordan
Willette, Robert

Ball, J. Michael
Belvin, William
Burt, John
Coffey, James
DeJong, Cameron
Emerton, Larry
Gargas, Carolyn
Hansen, Peter
Hogan, Edith
Jasper, Shawn
McClarren, Donald
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Stroud, Kathleen
Villeneuve, Moe

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Condra, William
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
Kurk, Neal
McGuinness, Sean
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Simmons, Tammy
Terrio, Ross
Warden, Mark

MERRIMACK

Coffey, Jennifer
Lauer-Rago, Kathleen
McGuire, Carol
Smith, Molly

Hill, Gregory
Lindsley, Mark
McGuire, Dan
Winter, Steven

Keane, Thomas
Lockwood, Priscilla
Palfrey, David

Kotowski, Frank
McDonnell, John
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
O'Connor, John
Perkins, Lawrence
Ritter, Glenn
Smith, William
Tremblay, Stella
Welch, David

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Itse, Daniel
MacMahon, Bruce
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Sullivan, James
Waddell, James
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Kappler, Lawrence
Major, Norman
Packard, Sherman
Reagan, John
Sedensky, John
Sytek, John
Ward, Joanne

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Perkins, Amy
Reichard, Kevin
Shuler, Wyman III
Tasker, Kyle
Webb, James

STRAFFORD

Andolina, Donald
Groen, Warren
Munck, Philip
Vita, Carol

Berube, Roger
Jones, Kyle
O'Connor, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Larsen Schultz, Kirsten
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
and the motion failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Mirski spoke in favor.

Rep. Weber spoke against and requested a roll call; sufficiently seconded.

YEAS 234 NAYS 101**YEAS 234****BELKNAP**

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Kingsbury, Robert
Pilliod, James
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Patten, Betsey
Umberger, Karen

Knox, J. David
Scala, Dino

CHESHIRE

Cartwright, Anne
Smith, Edwin

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbreton, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Burt, John
Coffey, James
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Graham, John
Hawkins, Kenneth
Hopper, Gary
Lambert, George
McClarren, Donald
Murphy, Keith
Palmer, Stephen

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Buxton, Michael
Condra, William
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hikel, John
Infantine, William
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Parison, James

Ball, J. Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Flanagan, Jack
Gargas, Carolyn
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Marcus, Bruce
Messier, Irene
Ohm, Bill
Pellegrino, Tony

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Christiansen, Lars
Day, Russell
Drisko, Richard
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
Kurk, Neal
McCarthy, Michael
Moran, Edward
Palmer, Barry
Peterson, Lenette

Pratt, Calvin
Robbins, David
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Warden, Mark

Proulx, Mark
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Whitehead, Randall

Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Kidder, David
Lockwood, Priscilla
Palfrey, David
Winter, Steven

Hill, Gregory
Kotowski, Frank
McDonnell, John
Seaworth, G. Brian

Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Smith, Molly

Keane, Thomas
Lindsley, Mark
McGuire, Dan
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Janvrin, Kevin
MacMahon, Bruce
O'Connor, John
Perkins, Lawrence
Reichard, Kevin
Shuler, Wyman III
Tasker, Kyle
Webb, James

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Kappler, Lawrence
Major, Norman
Okerman, Richard
Quandt, Marshall
Ritter, Glenn
Smith, William
Tremblay, Stella
Welch, David

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Packard, Sherman
Quandt, Matt
Sanders, Elisabeth
Sullivan, James
Waddell, James
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garritty, James
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
Perkins, Amy
Reagan, John
Sedensky, John
Sytek, John
Ward, Joanne

STRAFFORD

Andolina, Donald
Groen, Warren
Larsen Schultz, Kirsten
Pitre, Joseph

Brown, Julie
Jones, Kyle
Munck, Philip
Vita, Carol

Cataldo, Sam
Jones, Laura
O'Connor, William
Vita, Lucien

DeLemus, Susan
Keans, Sandra
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 101

BELKNAP

Accornero, Harry

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Meador, David
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Townsend, Charles	

HILLSBOROUGH

Baroody, Benjamin	Campbell, David	Champagne, Norma	Cote, David
Daler, Jennifer	Garrity, Patrick	Gidge, Kenneth	Dimas, John
Goley, Jeffrey	Gorman, Mary	Hutchinson, Winfred	Jeudy, Jean
Katsiantonis, Thomas	Leishman, Peter	Levasseur, Nickolas	Long, Patrick
Pilotte, Maurice	Porter, Marjorie	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara	Sullivan, Daniel	Vaillancourt, Steve	

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Hamm, Christine	MacKay, James
Owen, Derek	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Lovejoy, Patricia	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Read, Robin Jr	Schlachman, Donna
Serlin, Christopher			

STRAFFORD

Berube, Roger	Browne, Brendon	Domingo, Baldwin	Ginsburg, Philip
Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida
Pelletier, Marsha	Perry, Robert	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Spang, Judith	Sprague, Dale	Wall, Janet
Watters, David			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the majority committee report was adopted and ordered to third reading.

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank V. Sapareto for Ways and Means: The committee unanimously supports this bill and believes transparency in government is essential. Since the issues surrounding the Local Government Center (LGC) affect so many local communities and their employees, the committee believes that urgent action is necessary. This bill will create a commission to work through the details and expose inefficiencies and restore confidence in LGC. The committee will examine all available reports and take testimony from all interested parties to make recommendations for legislation that will clarify the authority and responsibilities of the LGC. Vote 15-0.

Amendment (2621h)

Amend section 3 of the bill by replacing paragraph II with the following:

II. The committee shall have the same investigatory powers as the general court. The committee may take evidence under oath, issue subpoenas duces tecum for records, and issue subpoenas to compel testimony. A person shall have 5 business days to respond to any subpoena issued in accordance with this section. Upon approval of the speaker of the house of representatives and the president of the senate, any person who fails to respond within the 5-day period may be fined up to \$10,000 per day and may be subject to 5 days imprisonment.

Rep. Ulery yielded to questions.

(Rep. Bettencourt in the Chair)

Rep. Gary Richardson spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Soltani moved that **HB 655**, establishing a committee to study issues regarding the New Hampshire Local Government Center, be laid on the table.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 47 NAYS 277**YEAS 47
BELKNAP**

None

CARROLL

Chandler, Gene

McConkey, Mark

CHESHIRE

Emerson, Susan
Weed, Charles

Lindsey, Steven

Roberts, Kris

Sad, Tara

COOS

Remick, William

GRAFTON

Harding, Laurie
Pierce, David

Mirski, Paul

Nordgren, Sharon

Pastor, Beatriz

HILLSBOROUGH

Campbell, David
Kurk, Neal

Coffey, James
Leishman, Peter

Gidge, Kenneth
Pilotte, Maurice

Graham, John

MERRIMACK

Bouchard, Candace
Lockwood, Priscilla
Winter, Steven

Frazer, June
Owen, Derek

Hamm, Christine
Rice, Chip

Kidder, David
Soltani, Tony

ROCKINGHAM

Allen, Mary
Elliott, Robert
Sytek, John

Cali-Pitts, Jacqueline
Pantelakos, Laura

DiPentima, Rich
Quandt, Marshall

Dowling, Patricia
Quandt, Matt

STRAFFORD

Brown, Julie
Munck, Philip

Domingo, Baldwin
Perry, Robert

Horrigan, Timothy
Spang, Judith

Keans, Sandra
Sprague, Dale

SULLIVAN

Gagnon, Raymond

NAYS 277**BELKNAP**

Accornero, Harry
Kingsbury, Robert
Pilliod, James
Winford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
Patten, Betsey

Babson, David Jr
Schmidt, Stephen

Knox, J. David
Tregenza, Norman

McCarthy, Frank
Umberger, Karen

CHESHIRE

Butynski, William
Hawkes, Samuel
Lerandeau, Alfred
Smith, Edwin

Cartwright, Anne
Hunt, John
Meador, David
Sterling, Franklin Jr

Chase, Cynthia
Johnsen, Gladys
Moore, Robert Jr
Tatro, Bruce

Dwinell, Richard
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Richardson, Herbert
Tremblay, Marc

Daugherty, Duffy
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Aguiar, James
Bulis, Lyle
Ingbretson, Paul
Simard, Paul
Townsend, Charles

Almy, Susan
Cooney, Mary
Ladd, Rick Jr
Smith, Suzanne

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sorg, Gregory

Brosseau, Charles
Gould, Franklin
Shackett, Jeffrey
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Cote, David
DeJong, Cameron
Emerton, Larry
Gandia, Laura
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
Jasper, Shawn
Levasseur, Nickolas
McClarren, Donald
Murphy, Keith
Palmer, Stephen
Peterson, Lenette
Reed, Michael
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Beattie, Thomas
Brown, Kevin
Cebrowski, John
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gargas, Carolyn
Gorman, Mary
Hawkins, Kenneth
Hopper, Gary
Judy, Jean
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Parison, James
Porter, Marjorie
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Stroud, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willetto, Robert

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Daler, Jennifer
Donovan, Daniel
Fredette, Robert
Gimas, John
Greazzo, Phil
Hikel, John
Hutchinson, Winfred
Katsiantonis, Thomas
Marcus, Bruce
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Robbins, David
Scotsas, Lisa
Simmons, Tammy
Sullivan, Daniel
Thomas, Joseph
Villeneuve, Moe

Baroody, Benjamin
Belvin, William
Burt, John
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Goley, Jeffrey
Hansen, Peter
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Moran, Edward
Palmer, Barry
Pepino, Leo
Proulx, Mark
Rokas, Ted
Seidel, Carl
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Coffey, Jennifer
Foose, Robert
Kotowski, Frank
McDonnell, John
Patten, Dick
Seaworth, G. Brian
Watrous, Rick

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Deloge, Helen
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Richardson, Gary
Smith, Molly

DeStefano, Stephen
Keane, Thomas
MacKay, James
Palfrey, David
Sanborn, Laurie
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian

Azarian, Gary
Birdsell, Regina
Comerford, Timothy

Baldasaro, Alfred
Case, Frank
Copeland, Timothy

Davenport, Joshua
 Ferrante, Beverly
 Griffin, Mary
 Janvrin, Kevin
 Lovejoy, Patricia
 Moody, Marcia
 Perkins, Amy
 Reichard, Kevin
 Schroadter, Adam
 Smith, William
 Ward, Joanne

DeSimone, Debra
 Fesh, Robert
 Headd, James
 Kappler, Lawrence
 Major, Norman
 O'Connor, John
 Perkins, Lawrence
 Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Webb, James

Devine, James
 Garcia, Marilinda
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Manuse, Andrew
 Okerman, Richard
 Read, Robin Jr
 Sanders, Elisabeth
 Serlin, Christopher
 Tasker, Kyle
 Welch, David

Duarte, Joe
 Garrity, James
 Itse, Daniel
 Kolodziej, Walter
 Mauro, Donna
 Packard, Sherman
 Reagan, John
 Schlachman, Donna
 Shuler, Wyman III
 Tremblay, Stella
 Weyler, Kenneth

STRAFFORD

Andolina, Donald
 DeLemus, Susan
 Jones, Kyle
 O'Connor, William
 Roberts, Jenna
 Vita, Lucien

Berube, Roger
 Ginsburg, Philip
 Jones, Laura
 Parsons, Robbie
 Schmidt, Peter
 Wall, Janet

Browne, Brendon
 Grassie, Anne
 Kaen, Naida
 Pelletier, Marsha
 Spainhower, Dale
 Watters, David

Cataldo, Sam
 Groen, Warren
 Larsen Schultz, Kirsten
 Pitre, Joseph
 Vita, Carol
 Weeden, Michael

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Rodeschin, Beverly
 and the motion failed.

Cloutier, John
 Lefebvre, Benjamin
 Schmidt, Andrew

Cunningham, Steven
 Lovett, Charlene
 Smith, Steven

LaCasse, Paul Sr
 Osgood, Joe

The question now being adoption of the committee amendment.
 Rep. Azarian spoke in favor and yielded to questions.
 Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 123 NAYS 205

YEAS 123

BELKNAP

Fields, Dennis
 Winford, Elaine

Malone, Robert
 Tilton, Franklin

Simpson, Tyler
 Tobin, William

St. Cyr, Jeffrey

CARROLL

McCarthy, Frank

McConkey, Mark

Patten, Betsey

Umberger, Karen

CHESHIRE

Cartwright, Anne

Dwinell, Richard

Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

GRAFTON

Bradley, Lester
 Shackett, Jeffrey

Brosseau, Charles
 Simard, Paul

Gionet, Edmond
 Sova, Charles

Ingbretson, Paul

HILLSBOROUGH

Avard, Kevin
 Coffey, James
 Drisko, Richard
 Hawkins, Kenneth
 Infantine, William
 McClarren, Donald
 Ohm, Bill

Belanger, James
 Condra, William
 Gimas, John
 Hikel, John
 Jasper, Shawn
 Murphy, Keith
 Palmer, Stephen

Burt, John
 Cusson-Cail, Kathleen
 Gonzalez, Carlos
 Hogan, Edith
 Lambert, George
 Notter, Jeanine
 Pellegrino, Tony

Buxton, Michael
 Donovan, Daniel
 Hardwick, Harry
 Holden, Frank
 Marcus, Bruce
 O'Brien, William
 Peterson, Lenette

Proulx, Mark
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Rowe, Robert
Souza, Kathleen
Twombly, Timothy
Warden, Mark

Scotsas, Lisa
Stroud, Kathleen
Ulery, Jordan

Silva, Peter
Summers, James
Vaillancourt, Steve

MERRIMACK

Coffey, Jennifer
Lindsley, Mark
Sanborn, Laurie

Hill, Gregory
McDonnell, John
Smith, Molly

Keane, Thomas
McGuire, Dan
Winter, Steven

Kotowski, Frank
Palfrey, David

ROCKINGHAM

Abrami, Patrick
Bates, David
Dowling, Patricia
Garrity, James
Major, Norman
Reagan, John
Sedensky, John
Tremblay, Stella

Allen, Mary
Belanger, Ronald
Duarte, Joe
Griffin, Mary
O'Connor, John
Reichard, Kevin
Shuler, Wyman III
Ward, Joanne

Azarian, Gary
Copeland, Timothy
Elliott, Robert
Kappler, Lawrence
Okerman, Richard
Ritter, Glenn
Sytek, John
Weyler, Kenneth

Baldasaro, Alfred
Devine, James
Garcia, Marilinda
Kolodziej, Walter
Quandt, Matt
Sanders, Elisabeth
Tasker, Kyle

STRAFFORD

Cataldo, Sam
O'Connor, William

Groen, Warren
Pitre, Joseph

Jones, Kyle
Vita, Carol

Jones, Laura
Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

Laware, Thomas

NAYS 205

BELKNAP

Accornero, Harry
Luther, Robert
Worsman, Colette

Flanders, Donald
Millham, Alida

Greemore, Robert
Pilliod, James

Kingsbury, Robert
Russell, David

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Babson, David Jr
Tregenza, Norman

Chandler, Gene

Knox, J. David

CHESHIRE

Butynski, William
Hunt, John
Lindsey, Steven
Roberts, Kris
Weber, Lucy

Chase, Cynthia
Johnsen, Gladys
Meader, David
Sad, Tara
Weed, Charles

Emerson, Susan
Johnson, Jane
Moore, Robert Jr
Sterling, Franklin Jr

Hawkes, Samuel
Lerandau, Alfred
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William
Tremblay, Marc

GRAFTON

Aguiar, James
Cooney, Mary
Mirski, Paul
Reilly, Harold Sr

Almy, Susan
Gould, Franklin
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
Sorg, Gregory

Bulis, Lyle
Ladd, Rick Jr
Pierce, David
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Barry, Richard

Ball, J. Michael
Beattie, Thomas

Baroody, Benjamin
Belvin, William

Barry, J. Gail
Boehm, Ralph

Brown, Kevin
 Champagne, Norma
 Day, Russell
 Erickson, Duane
 Gargas, Carolyn
 Gorman, Mary
 Jeudy, Jean
 Levasseur, Nicolas
 McGuinness, Sean
 Parison, James
 Pratt, Calvin
 Rokas, Ted
 Simmons, Tammy
 Willette, Robert

Brownrigg, Randall Jr
 Christiansen, Lars
 DeJong, Cameron
 Fredette, Robert
 Garrity, Patrick
 Greazzo, Phil
 Katsiantonis, Thomas
 Long, Patrick
 Messier, Irene
 Pepino, Leo
 Reed, Michael
 Rosenwald, Cindy
 Sullivan, Daniel

Campbell, David
 Cote, David
 Doherty, Shaun
 Gagne, Larry
 Gidge, Kenneth
 Hansen, Peter
 Kurk, Neal
 Maltz, Jonathan
 Moran, Edward
 Pilote, Maurice
 Renzullo, Andrew
 Seidel, Carl
 Thomas, Joseph

Cebrowski, John
 Daler, Jennifer
 Emerton, Larry
 Gandia, Laura
 Goley, Jeffrey
 Hutchinson, Winfred
 Leishman, Peter
 McCarthy, Michael
 Palmer, Barry
 Porter, Marjorie
 Robbins, David
 Shaw, Barbara
 Whitehead, Randall

MERRIMACK

Bouchard, Candace
 Foose, Robert
 Kidder, David
 McGuire, Carol
 Rice, Chip
 Soltani, Tony

Cohn, Seth
 Frazer, June
 Lauer-Rago, Kathleen
 Owen, Derek
 Richardson, Gary
 Wallner, Mary Jane

Deloge, Helen
 Hamm, Christine
 Lockwood, Priscilla
 Patten, Dick
 Seaworth, G. Brian
 Watrous, Rick

DeStefano, Stephen
 Hoell, J.R.
 MacKay, James
 Potter, Frances
 Shurtleff, Stephen
 Williams, Robert

ROCKINGHAM

Antosz, Jason
 Charron, Gene
 DeSimone, Debra
 Hoelzel, Kathleen
 Lovejoy, Patricia
 Norelli, Terie
 Perkins, Lawrence
 Schroadtter, Adam
 Webb, James

Birdsell, Regina
 Chirichiello, Brian
 DiPentima, Rich
 Itse, Daniel
 Manuse, Andrew
 Packard, Sherman
 Quandt, Marshall
 Serlin, Christopher
 Welch, David

Cali-Pitts, Jacqueline
 Comerford, Timothy
 Fesh, Robert
 Janvrin, Kevin
 Mauro, Donna
 Pantelakos, Laura
 Read, Robin Jr
 Smith, William

Case, Frank
 Davenport, Joshua
 Headd, James
 Katsakiores, Phyllis
 Moody, Marcia
 Perkins, Amy
 Schlachman, Donna
 Sullivan, James

STRAFFORD

Andolina, Donald
 DeLemus, Susan
 Horrigan, Timothy
 Munck, Philip
 Roberts, Jenna
 Sprague, Dale

Berube, Roger
 Domingo, Baldwin
 Kaen, Naida
 Parsons, Robbie
 Schmidt, Peter
 Wall, Janet

Brown, Julie
 Ginsburg, Philip
 Keans, Sandra
 Pelletier, Marsha
 Spainhower, Dale
 Watters, David

Browne, Brendon
 Grassie, Anne
 Larsen Schultz, Kirsten
 Perry, Robert
 Spang, Judith
 Weedon, Michael

SULLIVAN

Cloutier, John
 Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the committee amendment failed.

The question now being adoption of the motion of Ought to Pass.

Reps. Keans and Abrami spoke in favor.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 323 NAYS 4

YEAS 323

BELKNAP

Accornero, Harry
 Kingsbury, Robert

Fields, Dennis
 Luther, Robert

Flanders, Donald
 Malone, Robert

Greemore, Robert
 Millham, Alida

Pilliod, James
Swinford, Elaine

Russell, David
Tilton, Franklin

Simpson, Tyler
Tobin, William

St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Babson, David Jr
Patten, Betsey

Knox, J. David
Schmidt, Stephen

McCarthy, Frank
Tregenza, Norman

CHESHIRE

Butynski, William
Emerson, Susan
Johnson, Jane
Moore, Robert Jr
Smith, Edwin
Weed, Charles

Cartwright, Anne
Hawkes, Samuel
Lerandeau, Alfred
Parkhurst, Henry
Sterling, Franklin Jr

Chase, Cynthia
Hunt, John
Lindsey, Steven
Roberts, Kris
Tatro, Bruce

Dwinell, Richard
Johnsen, Gladys
Meador, David
Sad, Tara
Weber, Lucy

COOS

Coulombe, Gary
Remick, William
Thomas, Yvonne

Daugherty, Duffy
Richardson, Herbert
Tremblay, Marc

Hatch, William
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Brosseau, Charles
Gould, Franklin
Mirski, Paul
Reilly, Harold Sr
Sorg, Gregory

Almy, Susan
Bulis, Lyle
Harding, Laurie
Nordgren, Sharon
Shackett, Jeffrey
Sova, Charles

Benn, Bernard
Cooney, Mary
Ingbreton, Paul
Pastor, Beatriz
Simard, Paul
Townsend, Charles

Bradley, Lester
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Smith, Suzanne

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Belvin, William
Burt, John
Champagne, Norma
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gargas, Carolyn
Goley, Jeffrey
Greazzo, Phil
Hikel, John
Infantine, William
Kurk, Neal
Long, Patrick
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Proulx, Mark
Rokas, Ted
Seidel, Carl
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
Daler, Jennifer
Donovan, Daniel
Fredette, Robert
Garrity, Patrick
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Lambert, George
Maltz, Jonathan
Messier, Irene
O'Brien, William
Parison, James
Pilotte, Maurice
Reed, Michael
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Beattie, Thomas
Brown, Kevin
Campbell, David
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Gidge, Kenneth
Gorman, Mary
Hardwick, Harry
Holden, Frank
Judy, Jean
Leishman, Peter
Marcus, Bruce
Moran, Edward
Ohm, Bill
Pellegrino, Tony
Porter, Marjorie
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Baroody, Benjamin
Belanger, James
Brownrigg, Randall Jr
Cebrowski, John
Cote, David
DeJong, Cameron
Emerton, Larry
Gandia, Laura
Gimas, John
Graham, John
Hawkins, Kenneth
Hutchinson, Winfred
Katsiantonis, Thomas
Levasseur, Nickolas
McClarren, Donald
Murphy, Keith
Palmer, Barry
Pepino, Leo
Pratt, Calvin
Robbins, David
Scotsas, Lisa
Simmons, Tammy
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Hill, Gregory
Kotowski, Frank
MacKay, James
Owen, Derek
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

Coffey, Jennifer
Foose, Robert
Hoell, J.R.
Lauer-Rago, Kathleen
McDonnell, John
Palfrey, David
Richardson, Gary
Smith, Molly
Williams, Robert

Cohn, Seth
Frazer, June
Keane, Thomas
Lindsley, Mark
McGuire, Carol
Patten, Dick
Sanborn, Laurie
Soltani, Tony
Winter, Steven

Deloge, Helen
Hamm, Christine
Kidder, David
Lockwood, Priscilla
McGuire, Dan
Potter, Frances
Seaworth, G. Brian
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Elliott, Robert
Griffin, Mary
Janvrin, Kevin
Lovejoy, Patricia
Moody, Marcia
Pantelakos, Laura
Read, Robin Jr
Sanders, Elisabeth
Serlin, Christopher
Sytek, John
Webb, James

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
DiPentima, Rich
Fesh, Robert
Headd, James
Kappler, Lawrence
Major, Norman
Norelli, Terie
Perkins, Amy
Reagan, John
Schlachman, Donna
Shuler, Wyman III
Tasker, Kyle
Welch, David

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Perkins, Lawrence
Reichard, Kevin
Schroadter, Adam
Smith, William
Tremblay, Stella
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Duarte, Joe
Garrity, James
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Ward, Joanne

STRAFFORD

Andolina, Donald
Cataldo, Sam
Grassie, Anne
Jones, Laura
Munck, Philip
Perry, Robert
Spainhower, Dale
Vita, Lucien

Berube, Roger
DeLemus, Susan
Groen, Warren
Kaen, Naida
O'Connor, William
Pitre, Joseph
Spang, Judith
Wall, Janet

Brown, Julie
Domingo, Baldwin
Horriggan, Timothy
Keans, Sandra
Parsons, Robbie
Roberts, Jenna
Sprague, Dale
Watters, David

Browne, Brendon
Ginsburg, Philip
Jones, Kyle
Larsen Schultz, Kirsten
Pelletier, Marsha
Schmidt, Peter
Vita, Carol
Weeden, Michael

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Osgood, Joe

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Schmidt, Andrew

Gagnon, Raymond
Lovett, Charlene
Smith, Steven

NAYS 4**BELKNAP**

None

CARROLL

Chandler, Gene

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

McCarthy, Michael

MERRIMACK

None

ROCKINGHAM

Packard, Sherman

Quandt, Marshall

STRAFFORD

None

SULLIVAN

None

and the motion was adopted and ordered to third reading.

MOTION TO PRINT DEBATE

Rep. Hunt moved that the debate on the final motion of Ought to Pass on **HB 655**, establishing a committee to study issues regarding the New Hampshire Local Government Center, be printed in the Permanent Journal.

Adopted.

DEBATE ON MOTION OF OUGHT TO PASS

Rep. Keans: Thank you, Mister Speaker. Mister Speaker, I rise in support of this bill and I agree that we need a thorough understanding of how public pools work. The statute is very foggy and I'm sure that the various organizations out there are making sure that these statutes can be clarified to exactly what the legislature requires of them. Right now it appears that the investigation is totally focused on the Local Government Center. In 2010, the Commerce Committee had a last minute amendment which was introduced to give the Secretary of State increased authority over risk pools. During his testimony, 99% was focused on the LGC and here is where my interest parts with him. There are other ones out there and even on my days in the Finance Committee when that bill came to the Finance Committee, I had characterized it as probably a witch-hunt. Probably not appropriate anymore for this floor, but it was a witch-hunt and still is. Because of these concerns, I filed a detailed complaint with the Secretary of State in June 2010 asking that he investigate the two other risk pools that provide coverage for local communities, that is Primex and SchoolCare. All three provide services to all of our local communities. There is a variety of services and some communities buy one type of insurance from them and others invest with the other pools. My understanding is that all of the risk pools follow the very same practices. I assume so, if those are the statutes. So if they are concerned about LGC's operations, it seems to me that the same concerns should apply to the other two. Sixteen months later the Secretary of State has taken no action on my complaint and I think we need to understand why. I think there is more to this story than what we read in the paper and clearly some people are determined to vilify or even destroy the Local Government Center. As a city councilor for twenty-three years, I understand very well how important the LGC is to many of our cities and towns and I believe we need to end the witch-hunt and get on with a fair review of the law and look at all risk pools. Thank you, Mister Speaker.

Rep. Abrami: Thank you, Mister Speaker. Mister Speaker, transparency is what drives our citizens trust in government and HB 655 is about transparency in government. It's about standing up for the people of the cities and towns who have lost their faith in our Local Government Center. This is an issue that needs our attention now, today. The many problems that have come to the forefront with regard to the Local Government Center affect many of our cities and towns and hundreds of their employees. In August, the Secretary of State, Bureau of Securities Regulation issued a report extremely criticizing the LGC which runs several insurance pools for our municipal employees. The report listed numerous violations of state law which included setting up illegal limited liability

companies, illegal sheltering of them under umbrella non-profit groups, not returning surplus money to municipalities as required by law, illegally transferring insurance premium money from one fund to another and buying things with that money that it was not allowed to keep. While it may be the intention of some legislators to wait until next Session to review this, we feel it is important that we take this up today and that we vote on this today. Transparency in all aspects of government is essential and demands our attention now. Mister Speaker, I agree with the unanimous decision, a bi-partisan decision by the way, of the House Ways and Means Committee and I'll vote to pass HB 655 and agree that urgent action is necessary now. This bill will create a commission to look through the details and expose inefficiencies and ultimately restore the confidence of our cities and towns in their Local Government Center. The committee established by this legislation will examine all available reports, take testimony from all parties and make recommendations for legislation that will clarify the authority and responsibility of the Local Government Center. I hope you will all join me in supporting HB 655 and establishing this committee and insuring transparency in New Hampshire state government.

Rep. Kurk: Thank you, Mister Speaker. I too, rise in support of this bill and indeed the Local Government Center, I understand, supports this bill. There are three things that the committee is asked to investigate. One, and this is on lines 11-15 of the bill, the New Hampshire Local Government Center and the report of the Secretary of State criticizing some of its actions. Two, the impact of actions by pooled risk management programs on state and local revenues and expenditures and three, legislative reforms with regard to public or government-sponsored insured risk pools. If we, as a legislature, are to benefit from this report, the committee has to focus on all of the risk pools and there are three of them, Local Government Center being one. And, indeed they all follow the same practices with keeping large reserves in order to make sure premiums are level. I'm on the Weare finance committee and the one thing that I certainly don't want to see and my selectmen don't want to see is insurance premiums spiking one year and dropping the next year because you know what that does to the tax rate. So I think this committee needs to recognize that all three of these organizations follow the same practices with keeping large surpluses and by the way, they all follow the same practices with using some of their risk pool money to start other risk pools because it benefits the cities and towns who are their customers. The reason for my getting up and speaking in favor of this is to urge the committee to do its job by not just focusing on the one entity, but on all three entities and their practices to give us, the legislature, good information for changing the statute. Thank you, Mister Speaker.

Speaker O'Brien: Will the member yield to a question? The member yields.

Rep. Patten: Thank you, Mister Speaker and thank you for taking my question. I do understand that there is an issue that we would like to be able to study and that there is a committee that is being created. If we pass this bill today, will the committee be able to start its work?

Rep. Kurk: I thank you for your question. I doubt it because the bill requires the appointment of Senators and my guess is that until the Senate acts on this bill and appoints the Senators, the committee won't get started officially. This is not a House Committee.

Speaker O'Brien: Will the member yield to a further inquiry? The member yields.

Rep. Patten: Thank you, Mister Speaker. Thank you, again, for taking my question. If this is not a House Committee, is there a process so that the investigation could start? Right now, they won't be able to do anything until we get through the whole process of the Senate and also the Governor and that may not be in a timely manner that perhaps would be good for our towns. Thank you.

Rep. Kurk: I appreciate, again, the question. There is an alternative that I can think of at the moment, and there may be others, and that is to ask the Speaker of the House to appoint a special committee of House members and charge them with this responsibility, but higher authority needs to be consulted.

(Speaker O'Brien in the Chair)

GOVERNOR'S VETO MESSAGE ON SB 91

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed SB 91, an act relative to residential fire sprinklers. SB 91 prohibits local governing bodies from requiring the installation of a fire suppression sprinkler system in proposed one or two-family residences as a condition of approval for a local permit. While it preserves exiting local ordinances requiring automatic sprinkler systems in the communities that have adopted such ordinances, it would eliminate enforcement of any existing ordinance that requires sprinklers in

manufactured housing units that are situated in a manufactured housing park. The State Fire Marshal and numerous local fire departments across the State believe that local officials should continue to have the ability to require automatic sprinkler systems as an option when evaluating new residential construction. This bill will limit the choices available to communities in meeting local fire control requirements. Instead of providing a range of options, communities will now have to revert to requiring what may be more costly options: fire ponds, cisterns, wider road widths, increasing the size of building lots and increasing the size of distance between buildings. The decision of whether or not to require automatic sprinkler systems for new or renovated residential development has been, and should remain, a local one. The State should not preempt local decision-making. That is why I vetoed HB 109, a related bill that prohibits local planning boards from adopting regulations requiring sprinklers for one and two family homes in new subdivisions. SB 91, like HB 109, will remove local control over an important issue.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **SB 91**, relative to automatic fire suppression sprinklers, become law?

Reps. Hunt and Sterling spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 266 NAYS 61

YEAS 266

BELKNAP

Accornero, Harry
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Tregenza, Norman

Babson, David Jr
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Knox, J. David
Schmidt, Stephen

CHESHIRE

Butynski, William
Hawkes, Samuel
Meador, David
Tatro, Bruce

Cartwright, Anne
Hunt, John
Moore, Robert Jr

Dwinell, Richard
Johnson, Jane
Smith, Edwin

Emerson, Susan
Lerandeau, Alfred
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Almy, Susan
Bulis, Lyle
Ingbretson, Paul
Reilly, Harold Sr
Sorg, Gregory

Benn, Bernard
Cooney, Mary
Ladd, Rick Jr
Shackett, Jeffrey
Sova, Charles

Bradley, Lester
Gionet, Edmond
Mirski, Paul
Simard, Paul

Brosseau, Charles
Harding, Laurie
Pastor, Beatriz
Smith, Suzanne

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Belvin, William
Burt, John

Balboni, Michael
Barry, Richard
Boehm, Ralph
Campbell, David

Ball, J. Michael
Beattie, Thomas
Brown, Kevin
Cebrowski, John

Baroody, Benjamin
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma

Coffey, James
Doherty, Shaun
Erickson, Duane
Gargas, Carolyn
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
Kurk, Neal
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Parison, James
Pratt, Calvin
Rosenwald, Cindy
Silva, Peter
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Garrity, Patrick
Graham, John
Hawkins, Kenneth
Hutchinson, Winfred
Lambert, George
Marcus, Bruce
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Day, Russell
Drisko, Richard
Gagne, Larry
Gidge, Kenneth
Greazzo, Phil
Hikel, John
Infantine, William
Levasseur, Nickolas
McCarthy, Michael
Moran, Edward
Palmer, Barry
Pepino, Leo
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

DeJong, Cameron
Emerton, Larry
Gandia, Laura
Gimas, John
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Long, Patrick
McClarren, Donald
Murphy, Keith
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Bouchard, Candace
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Cohn, Seth
Kidder, David
Lockwood, Priscilla
Owen, Derek
Smith, Molly

Hill, Gregory
Kotowski, Frank
McDonnell, John
Palfrey, David
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Fesh, Robert
Headd, James
Kappler, Lawrence
Major, Norman
O'Connor, John
Perkins, Amy
Reagan, John
Schlachman, Donna
Smith, William
Tremblay, Stella
Weyler, Kenneth

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Schroadter, Adam
Sullivan, James
Ward, Joanne

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garrity, James
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
Packard, Sherman
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sytek, John
Webb, James

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Janvrin, Kevin
Lovejoy, Patricia
Moody, Marcia
Pantelakos, Laura
Quandt, Matt
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Welch, David

STRAFFORD

Andolina, Donald
DeLemus, Susan
Jones, Kyle
Munck, Philip
Roberts, Jenna
Wall, Janet

Berube, Roger
Ginsburg, Philip
Jones, Laura
O'Connor, William
Sprague, Dale
Watters, David

Brown, Julie
Grassie, Anne
Kaen, Naida
Parsons, Robbie
Vita, Carol
Weeden, Michael

Cataldo, Sam
Groen, Warren
Larsen Schultz, Kirsten
Pitre, Joseph
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Gagnon, Raymond
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

**NAYS 61
BELKNAP**

None

CARROLL

None

CHESHIRE

Chase, Cynthia
Roberts, Kris

Johnsen, Gladys
Sad, Tara

Lindsey, Steven
Weber, Lucy

Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary

Thomas, Yvonne

GRAFTON

Aguir, James
Townsend, Charles

Gould, Franklin

Nordgren, Sharon

Pierce, David

HILLSBOROUGH

Buxton, Michael
Gorman, Mary
Pilotte, Maurice
Shaw, Barbara

Condra, William
Judy, Jean
Porter, Marjorie
Stroud, Kathleen

Cote, David
Katsiantonis, Thomas
Robbins, David

Daler, Jennifer
Leishman, Peter
Rokas, Ted

MERRIMACK

Deloge, Helen
Hamm, Christine
Rice, Chip
Watrous, Rick

DeStefano, Stephen
MacKay, James
Richardson, Gary
Williams, Robert

Foose, Robert
Patten, Dick
Shurtleff, Stephen

Frazer, June
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Serlin, Christopher

DiPentima, Rich

Norelli, Terie

Read, Robin Jr

STRAFFORD

Browne, Brendon
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Perry, Robert

Horrigan, Timothy
Schmidt, Peter

Keans, Sandra
Spainhower, Dale

SULLIVAN

Cloutier, John
and the veto was overridden by the necessary two-thirds vote.

Lefebvre, Benjamin

Schmidt, Andrew

Smith, Steven

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it be to meet at the Call of the Chair.

LATE SESSION

Third reading and final passage

HR 13, repudiating Opinion of the Justices, 162 N.H. 160 (2011), and urging the senate to remove from the table and pass 2011 HB 89.

HB 652-FN, establishing a commission relative to Medicaid managed care.

SB 198-FN, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF).

HB 654-FN-L, relative to credit for retirement system employer contribution overpayments.

HB 656, relative to boundaries of wards.

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center.

UNANIMOUS CONSENT

Reps. Horrigan, Itse, Williams, Baldasaro and Jasper addressed the House.

MOTION TO PRINT REMARKS

Rep. Jennifer Coffey moved that the remarks made by Rep. Horrigan be placed in the Permanent Journal.

Adopted.

REMARKS

Rep. Horrigan: Thank you, Mister Speaker. My father, James Horrigan died on Sunday, September 25th. He was known to be a man of few but well chosen words so I will try to emulate him as best I can. He served the same district I represent now which is Durham, Lee and Madbury. He was elected in 1974 and served until 1978. Many of the things that he worked on back then are still issues today. He was especially interested in the environment, alternative energy, tax policy and equal rights for all. The speaker back then was George Roberts who is still a lobbyist and many of you probably know very well. My father followed in the footsteps of our next-door neighbor on Bennett Road in Durham, Leon Crouch. When Rep. Crouch passed away, my father wanted to pay tribute to him. Speaker Roberts said, "If we had speeches every time one of those old fossils dies, we would never get anything else done." I am glad to say that we did get a lot of business done today. Like many of us, including myself, my father moved here from somewhere else. We came here from the Chicago area. In January 1966, Jim Horrigan was an ambitious young Navy veteran and University of Chicago Ph.D. student. He was just 35 years old. His UNH recruiting trip didn't go very smoothly. He arrived during one of those messy mid-winter ice storms. The dean of the business school drove his car into a snow bank on Route 108 on the way up from Logan and that dean was fired later that semester, but my father knew instantly that New Hampshire would be his home and our family's home. He immediately saw that this was a community dedicated to the ideals of freedom and social justice which he had always been fighting for and he quickly became a big part of our state. His service in this House was just one of many positions he held over the years. Even in the last month of his life, he served on the Portsmouth Conservation Commission. In fact, he wrote out his own resignation letter by hand and I typed it up and walked it over to the Portsmouth City Hall. He taught at the University of New Hampshire from 1966 to 1996 and he was extremely dedicated to that institution. He passed up many opportunities to go elsewhere. One of the secrets that came out after my father died was that he turned down a chance to teach at the Stanford Business School. The Whittemore School is a great institution and UNH a great institution, but certainly Stanford is even more prestigious, but UNH was his home and that's where he wanted to stay. He was the humblest man I ever knew and he was also the greatest and I am certainly proud to be his son and to follow in his footsteps representing Durham, Lee and Madbury, the whole State of New Hampshire and the House. I thank you all for your attention on what was a rather long day of legislative work. Thank you.

MOTION TO PRINT REMARKS

Rep. Baldasaro moved that the remarks made by Rep. Williams be placed in the Permanent Journal. Adopted.

REMARKS

Rep. Williams: Thank you, Mister Speaker. Mister Speaker and Honorable colleagues, I rise to pay tribute to the Honorable C. Pennington Brown, a two term, 2007-2010, member of the New Hampshire House. Penn was a tall, quiet, thoughtful member of the Transportation Committee. He did not speak often in the Committee meetings or in the House Sessions, but when he did, members listened. Members listened to what he had to say. His comments were insightful, memorable and thoughtful. Paraphrasing the words in *The Wisdom of Sirach*, "He gave counsel with understanding and he was a man of learning for the people, wise in his words of instruction." The first thing I did when I was made the chairman of the Transportation Committee was to call Penn to ask him to be

Clerk. I wanted him and I needed him at my side. I did not make a mistake. His only weak spot was that, at times, he became so interested in the debate that he forgot to take notes. Fortunately, he had a great memory and all the minutes were accurate and complete. Some things you may not know about Penn Brown. Penn graduated from Brown University; in World War II he served with distinction in the US Navy in the Pacific Theatre. In 1967, Penn joined The New Yorker magazine and later became manager of the Boston advertising office. He retired in 2004. Penn is survived by his wife, Susan Fockler and three children. Penn loved his wife, his classic sailboats, his dog, his farm, the music of J. S. Bach, pipe organs and mid-coast Maine. Penn was an active member of the Camden Yacht Society and was an active member and choir member of the St. John's Episcopal Church in Portsmouth, NH. Rep. Evalyn Merrick wrote these words about Penn. "He was such a gentle giant, a mentor and a friend who shared many stories, insights, wisdom and humor as my seatmate, and as a colleague. We have all lost an amazing spokesperson, one of the best legislators I have ever had the honor and privilege of knowing." C. Pennington Brown will long be remembered as a man worthy of praise. The NH House of Representatives was enriched and ennobled by his presence. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of former Representative, the Honorable C. Pennington Brown of Epping.

MOTION TO PRINT REMARKS

Rep. Vaillancourt moved that the remarks made by Rep. Jasper be printed in the Permanent Journal. Motion failed.

RECESS MOTION

Rep. Jasper moved that the House stand in recess for the purposes of the introduction of bills, the reading-in of petitions, receiving Senate messages, enrolled bill amendments and enrolled bill reports. Adopted.

The House recessed at 5:40 p.m.

RECESS

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Paul Brown on Executive Departments and Administration with Constitutional Review and Statutory Recodification as a second committee.

Rep. Duarte on Fish and Game and Marine Resources and off Legislative Administration.

Rep. Janvrin on Legislative Administration.

Rep. Leishman on Election Law.

RECESS

(Rep. Ladd in the Chair)

PETITION

Representative Ross Terrio of Manchester, on behalf of Petitioner Jeffrey Frost on Manchester, seeks redress relative to a grievance involving disputes with the New Hampshire Banking Department and the Attorney General's Office.

The Speaker referred this petition to the Committee on Redress of Grievances.

RECESS

COMMITTEE ASSIGNMENTS

The Speaker made the following change to committee assignments:

Rep. Jasper off Election Law.

RECESS

(Speaker O'Brien in the Chair)

Rep. Bettencourt moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 25

Wednesday, November 30, 2011

The House assembled at 9:00 a.m. and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Almighty God, following on our recent day of “public thanksgiving and prayer,” established by our country’s founding father George Washington, we acknowledge with grateful hearts the many favors You have afforded the great State of New Hampshire, our families, our special friends, and our citizen soldiers...one of those favours being the opportunity to enjoy a form of governing which secures our safety and happiness. On this, another day of difficult decisions, help us to see the future of all our people without the illusions made by strings and wires. Give us a rich imagination in dealing with the realities that make our common life sustainable, rich, and wholesome. Help us to reason professionally with each other so that we may wisely manage the clash of opinions which often paralyze representative government. And give us Your wisdom that we may grasp our highest responsibilities to serve You and our liberties safely and in good conscience. We ask this in Your name. Amen.

Representative Chris Nevins, member from Hampton, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Case, Champagne, Eaton, Hofemann, Powers and Scontsas, the day, illness.

Reps. Beattie, Gonzalez, Hawkes, Taylor and Joseph Thomas, the day, important business.

INTRODUCTION OF GUESTS

Jack Conaway, guest of Rep. Belvin. David Ward, husband of Rep. Ward. Arlene Burns, guest of Rep. Hikel. Regan Elizabeth Hartley, Miss New Hampshire 2011, guest of Rep. Garcia. Frank Richardson, father of Rep. Jon Richardson. Claire Shurtleff, sister of Rep. Shurtleff.

MOTION TO REMOVE FROM THE TABLE

Rep. Lynne Ober moved that **CACR 14**, relating to public education. Provided that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education, be removed from the table. Adopted.

MOTION TO SUSPEND HOUSE RULES

Rep. Bettencourt moved that all necessary House Rules be suspended as to allow consideration and action at the present time of **CACR 14**, relating to public education. Provided that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education, after the deadline.

Rep. Bettencourt spoke in favor.

Rep. Gary Richardson spoke against and requested a roll call; sufficiently seconded.

YEAS 263 NAYS 106

YEAS 263

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Babson, David Jr
 McCarthy, Frank
 Pettengill, Laurie
 Umberger, Karen

Chandler, Gene
 McConkey, Mark
 Scala, Dino

Fleck, Joseph
 Merrow, Harry
 Schmidt, Stephen

Knox, J. David
 Patten, Betsey
 Tregenza, Norman

CHESHIRE

Byrnes, John
 Hunt, John
 Smith, Edwin

Cartwright, Anne
 Johnson, Jane
 Sterling, Franklin Jr

Dwinell, Richard
 Moore, Charles

Emerson, Susan
 Moore, Robert Jr

COOS

Daugherty, Duffy
 Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
 Ladd, Rick Jr
 Sorg, Gregory

Brosseau, Charles
 Reilly, Harold Sr
 Sova, Charles

Bulis, Lyle
 Shackett, Jeffrey

Gionet, Edmond
 Simard, Paul

HILLSBOROUGH

Balboni, Michael
 Belanger, James
 Brown, Kevin
 Cebrowski, John
 Coughlin, Sean
 DeJong, Cameron
 Erickson, Duane
 Gandia, Laura
 Hansen, Peter
 Hinch, Richard
 Hopper, Gary
 Krasucki, Joseph
 Maltz, Jonathan
 Messier, Irene
 Ober, Russell III
 Parison, James
 Proulx, Mark
 Rowe, Robert
 Soucy, Connie
 Summers, James
 Vaillancourt, Steve
 Willette, Robert

Ball, J. Michael
 Belvin, William
 Brownrigg, Randall Jr
 Christensen, D.L. Chris
 Cusson-Cail, Kathleen
 Doherty, Shaun
 Flanagan, Jack
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Hutchinson, Winfred
 Kurk, Neal
 McCarthy, Michael
 Murphy, Keith
 Ohm, Bill
 Pellegrino, Tony
 Reed, Michael
 Seidel, Carl
 Souza, Kathleen
 Swank, Matthew
 Villeneuve, Moe

Barry, J. Gail
 Bergevin, Jerry
 Burt, John
 Coffey, James
 Daniels, Gary
 Donovan, Daniel
 Fredette, Robert
 Greazzo, Phil
 Hawkins, Kenneth
 Hogan, Timothy
 Infantine, William
 Lambert, George
 McClarren, Donald
 Notter, Jeanine
 Palmer, Barry
 Peterson, Lenette
 Renzullo, Andrew
 Silva, Peter
 Stepanek, Stephen
 Terrio, Ross
 Warden, Mark

Barry, Richard
 Boehm, Ralph
 Buxton, Michael
 Condra, William
 Day, Russell
 Drisko, Richard
 Gagne, Larry
 Haefner, Robert
 Hikel, John
 Holden, Frank
 Jasper, Shawn
 LeBrun, Donald
 McGuinness, Sean
 Ober, Lynne
 Palmer, Stephen
 Pratt, Calvin
 Robbins, David
 Simmons, Tammy
 Stroud, Kathleen
 Twombly, Timothy
 Whitehead, Randall

MERRIMACK

Coffey, Jennifer
 Hess, David
 Kreis, Kenneth Sr
 McDonnell, John
 Reed, Dennis
 Smith, Molly

Cohn, Seth
 Hill, Gregory
 Lauer-Rago, Kathleen
 McGuire, Carol
 Richardson, Jon
 Smith, Todd

Cox, Sean
 Keane, Thomas
 Lindsley, Mark
 McGuire, Dan
 Sanborn, Laurie
 Winter, Steven

Giuda, J. Brandon
 Kotowski, Frank
 Lockwood, Priscilla
 Palfrey, David
 Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Birdsall, Regina
 Comerford, Timothy

Allen, Mary
 Bates, David
 Brown, Paul
 Copeland, Timothy

Antosz, Jason
 Belanger, Ronald
 Charron, Gene
 Davenport, Joshua

Azarian, Gary
 Bettencourt, David
 Chirichiello, Brian
 DeSimone, Debra

Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Itse, Daniel
 Kolodziej, Walter
 Manuse, Andrew
 Murphy, Brian
 Oligny, Jeffrey
 Perkins, Lawrence
 Reichard, Kevin
 Sapareto, Frank
 Sheffert, Kenneth
 Sullivan, Kevin
 Tucker, Pamela
 Webb, James

Dowling, Patricia
 Fesh, Robert
 Headd, James
 Janvrin, Kevin
 Lundgren, David
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Quandt, Marshall
 Rice, Frederick
 Sapienza, Marie
 Shuler, Wyman III
 Tamburello, Daniel
 Waddell, James
 Welch, David

Duarte, Joe
 Garcia, Marilinda
 Hoelzel, Kathleen
 Kappler, Lawrence
 MacMahon, Bruce
 McKinney, Betsy
 O'Connor, John
 Peckham, Michele
 Quandt, Matt
 Ritter, Glenn
 Schroadter, Adam
 Smith, William
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Elliott, Robert
 Garrity, James
 Introne, Robert
 Katsakiores, Phyllis
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Perkins, Amy
 Reagan, John
 Sanders, Elisabeth
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Waterhouse, Kevin

STRAFFORD

Andolina, Donald
 Groen, Warren
 O'Connor, William
 Vita, Carol

Brown, Julie
 Larsen Schultz, Kirsten
 Panek, William
 Vita, Lucien

Cataldo, Sam
 Munck, Philip
 Parsons, Robbie
 Weeden, Michael

DeLemus, Susan
 Newton, Clifford
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 106 BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
 Lerandeau, Alfred
 Roberts, Kris
 Weed, Charles

Carr, Daniel
 Lindsey, Steven
 Sad, Tara

Chase, Cynthia
 Meader, David
 Tatro, Bruce

Johnsen, Gladys
 Parkhurst, Henry
 Weber, Lucy

COOS

Coulombe, Gary
 Theberge, Robert

Hatch, William
 Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
 Gould, Franklin
 Pierce, David

Almy, Susan
 Harding, Laurie
 Smith, Suzanne

Benn, Bernard
 Nordgren, Sharon
 Townsend, Charles

Cooney, Mary
 Pastor, Beatriz
 White, Andrew

HILLSBOROUGH

Baroody, Benjamin
 Gargas, Carolyn
 Goley, Jeffrey
 Leishman, Peter
 Porter, Marjorie
 Shaw, Barbara

Campbell, David
 Garrity, Patrick
 Gorman, Mary
 Levasseur, Nickolas
 Ramsey, Peter
 Sullivan, Daniel

Cote, David
 Gidge, Kenneth
 Judy, Jean
 Long, Patrick
 Rhodes, Brian

Daler, Jennifer
 Gimas, John
 Katsiantonis, Thomas
 Pilotte, Maurice
 Rosenwald, Cindy

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hoell, J.R.	Kidder, David
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Lovejoy, Patricia	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Read, Robin Jr	Schlachman, Donna
Serlin, Christopher			

STRAFFORD

Berube, Roger	Browne, Brendon	Domingo, Baldwin	Ginsburg, Philip
Grassie, Anne	Hofemann, Roland	Hooper, Dorothea	Horrigan, Timothy
Jones, Kyle	Jones, Laura	Kaen, Naida	Keans, Sandra
Leonard, Frederick Jr	Pelletier, Marsha	Perry, Robert	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Sprague, Dale
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and the motion was adopted by the necessary two-thirds vote.

CONSIDERATION OF CACR 14

Rep. Bettencourt moved Ought to Pass and offered floor amendment (2821h).

Floor Amendment (2821h)

Amend the title of the resolution by replacing it with the following:

RELATING TO: public education.

PROVIDING THAT: the Legislature shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education.

Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c [Public Education.] In fulfillment of its duties with respect to education set forth in Part II, Article 83, the Legislature shall have the authority and responsibility to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, in the exercise thereof, the Legislature shall have full discretion to determine the amount of, and methods of raising and distributing, State funding for public education.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2012.

III. That the selectmen of all towns, cities, wards, and places in the state are directed to insert in their warrants for the said 2012 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2011 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c [Public Education.] In fulfillment of its duties with respect to education set forth in Part II, Article 83, the Legislature shall have the authority and responsibility to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, in the exercise thereof, the Legislature shall have full discretion to determine the amount of, and methods of raising and distributing, State funding for public education.”

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2011 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

Rep. Sorg spoke against.

Reps. Kurk and Bettencourt spoke in favor.

Rep. Gary Richardson spoke against and requested a roll call; sufficiently seconded.

YEAS 225 NAYS 154

YEAS 225

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Tobin, William	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Umberger, Karen			

CHESHIRE

Byrnes, John	Dwinell, Richard	Emerson, Susan	Hunt, John
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Rappaport, Laurence	Tholl, John Jr	Tremblay, Marc
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GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ladd, Rick Jr	Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul
Sova, Charles			

HILLSBOROUGH

Avard, Kevin	Barry, J. Gail	Barry, Richard	Belanger, James
Belvin, William	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Christensen, D.L. Chris
Coffey, James	Condra, William	Cusson-Cail, Kathleen	Daniels, Gary
Day, Russell	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Erickson, Duane	Gagne, Larry	Gandia, Laura	Gargas, Carolyn
Graham, John	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Hogan, Timothy	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
LeBrun, Donald	Marcus, Bruce	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Messier, Irene	Moran, Edward	Murphy, Keith
Ober, Lynne	Ohm, Bill	Palmer, Barry	Parison, James
Pellegrino, Tony	Pepino, Leo	Pratt, Calvin	Proulx, Mark
Reed, Michael	Renzullo, Andrew	Robbins, David	Rowe, Robert
Seidel, Carl	Silva, Peter	Soucy, Connie	Souza, Kathleen

Stepanek, Stephen
Twombly, Timothy

Stroud, Kathleen
Villeneuve, Moe

Summers, James
Whitehead, Randall

Terrio, Ross
Willette, Robert

MERRIMACK

Coffey, Jennifer
Hill, Gregory
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

Cox, Sean
Keane, Thomas
Lockwood, Priscilla
Reed, Dennis
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
MacMahon, Bruce
Murphy, Brian
Peckham, Michele
Reichard, Kevin
Schroader, Adam
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Allen, Mary
Bates, David
Brown, Paul
DeSimone, Debra
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sytek, John
Tucker, Pamela
Webb, James

Antosz, Jason
Belanger, Ronald
Charron, Gene
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Waddell, James
Welch, David

Azarian, Gary
Bettencourt, David
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Janvrin, Kevin
Lundgren, David
McMahon, Charles
Oigny, Jeffrey
Reagan, John
Sapienza, Marie
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Leonard, Frederick Jr
Panek, William

Brown, Julie
Munck, Philip
Parsons, Robbie

Cataldo, Sam
Newton, Clifford
Pitre, Joseph

Groen, Warren
O'Connor, William
Weeden, Michael

SULLIVAN

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas

NAYS 154

BELKNAP

Greemore, Robert

Kingsbury, Robert

Simpson, Tyler

CARROLL

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Cartwright, Anne
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Nordgren, Sharon
Sorg, Gregory

Almy, Susan
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

Benn, Bernard
Ingbertson, Paul
Pierce, David
White, Andrew

Cooney, Mary
Mirski, Paul
Smith, Suzanne

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Baroody, Benjamin	Bergevin, Jerry
Campbell, David	Christiansen, Lars	Cote, David	Coughlin, Sean
Daler, Jennifer	DeJong, Cameron	Flanagan, Jack	Fredette, Robert
Garrity, Patrick	Gidge, Kenneth	Gimas, John	Goley, Jeffrey
Gorman, Mary	Greazzo, Phil	Judy, Jean	Katsiantonis, Thomas
Lambert, George	Leishman, Peter	Levasseur, Nickolas	Long, Patrick
Maltz, Jonathan	Notter, Jeanine	Ober, Russell III	Palmer, Stephen
Peterson, Lenette	Pilotte, Maurice	Porter, Marjorie	Ramsey, Peter
Rhodes, Brian	Rosenwald, Cindy	Shaw, Barbara	Simmons, Tammy
Sullivan, Daniel	Swank, Matthew	Vaillancourt, Steve	Warden, Mark

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hoell, J.R.
Kidder, David	Lauer-Rago, Kathleen	Mackay, James	McGuire, Dan
Owen, Derek	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	Chirichiello, Brian	Comerford, Timothy	DiPentima, Rich
Itse, Daniel	Lovejoy, Patricia	Manuse, Andrew	Mauro, Donna
Moody, Marcia	Norelli, Terie	O'Connor, John	Packard, Sherman
Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence	Read, Robin Jr
Ritter, Glenn	Sapareto, Frank	Schlachman, Donna	Serlin, Christopher
Shuler, Wyman III	Sullivan, James		

STRAFFORD

Berube, Roger	Browne, Brendon	DeLemus, Susan	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Hofemann, Roland	Hooper, Dorothea
Horrigan, Timothy	Jones, Kyle	Jones, Laura	Kaen, Naida
Kearns, Sandra	Larsen Schultz, Kirsten	Pelletier, Marsha	Perry, Robert
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Vita, Carol	Vita, Lucien	Wall, Janet
Watters, David			

SULLIVAN

Bowers, Spec	Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin
Schmidt, Andrew	Smith, Steven		

and floor amendment (2821h) was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.

Rep. Lars Christiansen spoke against.

Rep. Lynne Ober spoke against and yielded to questions.

Rep. Laura Jones requested a roll call; sufficiently seconded.

YEAS 114 NAYS 264**YEAS 114****BELKNAP**

Bolster, Peter	Fields, Dennis	Flanders, Donald	Luther, Robert
Malone, Robert	Millham, Alida	Pilliod, James	Russell, David
St. Cyr, Jeffrey	Tilton, Franklin	Tobin, William	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Knox, J. David
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Scala, Dino	Umberger, Karen		

CHESHIRE

Byrnes, John
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Sterling, Franklin Jr

Johnson, Jane

COOS

Rappaport, Laurence

Tremblay, Marc

GRAFTON

Brosseau, Charles
Shackett, Jeffrey

Bulis, Lyle
Simard, Paul

Ladd, Rick Jr

Reilly, Harold Sr

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Emerton, Larry
Hopper, Gary
Marcus, Bruce
Palmer, Barry
Soucy, Connie

Belanger, James
Coffey, James
Gargas, Carolyn
Hutchinson, Winfred
McClarren, Donald
Parison, James
Stroud, Kathleen

Belvin, William
Day, Russell
Graham, John
Jasper, Shawn
McGuinness, Sean
Pellegrino, Tony
Whitehead, Randall

Brown, Kevin
Drisko, Richard
Hawkins, Kenneth
Kurk, Neal
Moran, Edward
Pepino, Leo
Willette, Robert

MERRIMACK

Hess, David
Palfrey, David

Kotowski, Frank
Richardson, Jon

Lockwood, Priscilla
Smith, Todd

McDonnell, John
Winter, Steven

ROCKINGHAM

Allen, Mary
Brown, Paul
Elliott, Robert
Hagan, Joseph
MacMahon, Bruce
Nevins, Chris
Sanders, Elisabeth
Waddell, James

Azarian, Gary
Copeland, Timothy
Fesh, Robert
Introne, Robert
Major, Norman
Okerman, Richard
Sapienza, Marie
Welch, David

Belanger, Ronald
DeSimone, Debra
Garcia, Marilinda
Janvrin, Kevin
McKinney, Betsy
Peckham, Michele
Smith, William
Weyler, Kenneth

Bettencourt, David
Devine, James
Griffin, Mary
Lundgren, David
McMahon, Charles
Quandt, Matt
Sytek, John

STRAFFORD

Andolina, Donald
Parsons, Robbie

Cataldo, Sam

Groen, Warren

Munck, Philip

SULLIVAN

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas

Lovett, Charlene

NAYS 264**BELKNAP**

Accornero, Harry
Simpson, Tyler

Comtois, Guy
Swinford, Elaine

Greemore, Robert
Worsman, Colette

Kingsbury, Robert

CARROLL

Fleck, Joseph

Pettengill, Laurie

Schmidt, Stephen

Tregenza, Norman

CHESHIRE

Butynski, William
Emerson, Susan
Meader, David
Smith, Edwin

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

Cartwright, Anne
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Chase, Cynthia
Lindsey, Steven
Sad, Tara
Weed, Charles

COOS

Coulombe, Gary
Remick, William
Thomas, Yvonne

Daugherty, Duffy
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Ingbretson, Paul
Pierce, David
Townsend, Charles

Almy, Susan
Gionet, Edmond
Mirski, Paul
Smith, Suzanne
White, Andrew

Benn, Bernard
Gould, Franklin
Nordgren, Sharon
Sorg, Gregory

Bradley, Lester
Harding, Laurie
Pastor, Beatriz
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Gidge, Kenneth
Greazzo, Phil
Hikel, John
Holden, Frank
Lambert, George
Long, Patrick
Murphy, Keith
Ohm, Bill
Porter, Marjorie
Renzullo, Andrew
Rowe, Robert
Simmons, Tammy
Summers, James
Vaillancourt, Steve

Balboni, Michael
Bergevin, Jerry
Buxton, Michael
Condra, William
Daler, Jennifer
Donovan, Daniel
Gagne, Larry
Gimas, John
Haefner, Robert
Hinch, Richard
Judy, Jean
LeBrun, Donald
Maltz, Jonathan
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Rhodes, Brian
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Villeneuve, Moe

Ball, J. Michael
Boehm, Ralph
Campbell, David
Cote, David
Daniels, Gary
Erickson, Duane
Gandia, Laura
Goley, Jeffrey
Hansen, Peter
Hogan, Edith
Katsiantonis, Thomas
Leishman, Peter
McCarthy, Michael
Ober, Lynne
Peterson, Lenette
Ramsey, Peter
Robbins, David
Shaw, Barbara
Stepanek, Stephen
Terrio, Ross
Warden, Mark

Baroody, Benjamin
Brownrigg, Randall Jr
Christensen, D.L. Chris
Coughlin, Sean
DeJong, Cameron
Flanagan, Jack
Garity, Patrick
Gorman, Mary
Hardwick, Harry
Hogan, Timothy
Krasucki, Joseph
Levasseur, Nickolas
Messier, Irene
Ober, Russell III
Pilotte, Maurice
Reed, Michael
Rosenwald, Cindy
Silva, Peter
Sullivan, Daniel
Twombly, Timothy

MERRIMACK

Bouchard, Candace
Deloge, Helen
Gile, Mary
Keane, Thomas
Lindsley, Mark
Owen, Derek
Rice, Chip
Shurtleff, Stephen
Williams, Robert

Coffey, Jennifer
DeStefano, Stephen
Giuda, J. Brandon
Kidder, David
MacKay, James
Patten, Dick
Richardson, Gary
Smith, Molly

Cohn, Seth
Foote, Robert
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Potter, Frances
Sanborn, Laurie
Wallner, Mary Jane

Cox, Sean
Frazer, June
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Reed, Dennis
Seaworth, G. Brian
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Hoelzel, Kathleen
Kolodziej, Walter
Moody, Marcia
Oigny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Schlachman, Donna
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne

Antosz, Jason
Cali-Pitts, Jacqueline
Davenport, Joshua
Ferrante, Beverly
Itse, Daniel
Lovejoy, Patricia
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Schroadtter, Adam
Shuler, Wyman III
Tasker, Kyle
Waterhouse, Kevin

Baldasaro, Alfred
Charron, Gene
DiPentima, Rich
Garrity, James
Kappler, Lawrence
Manuse, Andrew
Norelli, Terie
Pantelakos, Laura
Read, Robin Jr
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

Bates, David
Chirichiello, Brian
Dowling, Patricia
Headd, James
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Perkins, Amy
Reagan, John
Sapareto, Frank
Serlin, Christopher
Sullivan, Kevin
Tucker, Pamela

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	DeLemus, Susan
Domingo, Baldwin	Ginsburg, Philip	Grassie, Anne	Hofemann, Roland
Hooper, Dorothea	Horrigan, Timothy	Jones, Kyle	Jones, Laura
Kaen, Naida	Keans, Sandra	Larsen Schultz, Kirsten	Leonard, Frederick Jr
Newton, Clifford	O'Connor, William	Panek, William	Pelletier, Marsha
Perry, Robert	Pitre, Joseph	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Spang, Judith	Sprague, Dale	Vita, Carol
Vita, Lucien	Wall, Janet	Watters, David	Weeden, Michael

SULLIVAN

Bowers, Spec	Cloutier, John	Gagnon, Raymond	Howard, Thomas
Lefebvre, Benjamin	Schmidt, Andrew	Smith, Steven	

and the motion failed.

MOTION TO LAY ON THE TABLE

Rep. Bettencourt moved that **CACR 14**, relating to public education. Providing that the Legislature shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education, be laid on the table.

On a division vote, 221 members having voted in the affirmative and 158 in the negative, the motion failed lacking the necessary three-fifths vote.

Rep. Vaillancourt moved Inexpedient to Legislate.

On a division vote, 356 members having voted in the affirmative and 24 in the negative, the motion was adopted.

SPECIAL GUESTS ADDRESSED THE HOUSE

Presidential candidates, the Governor of Texas, Rick Perry and former Governor of Utah, Jon Huntsman, addressed the House.

The House recessed at 10:55 a.m.

RECESS

The House reconvened at 11:00 a.m.

GOVERNOR'S VETO MESSAGE ON HB 474-FN

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 11, 2011, I vetoed HB 474. States should not interfere with the rights of businesses and their employees to freely negotiate contracts. That is unless there is a compelling public interest, and there is no compelling public interest in passing this legislation. There is no evidence that this legislation will offer any benefits to New Hampshire's economy or workers. As I have said repeatedly, New Hampshire has an economic strategy that is working. New Hampshire has one of the strongest and fastest-growing economies in the nation. We have one of the lowest unemployment rates and one of the highest median incomes in the nation. We are considered one of the safest states and one of the healthiest states, and a high percentage of our citizens have private health insurance. New Hampshire has a lower unemployment rate and a stronger economy than most states with so-called right-to-work laws. In states with a right-to-work law, workers on average have a lower standard of living, bringing home less in their paychecks and going without health insurance more frequently. In my time as a CEO, in my years spent in the private sector turning around companies, and in my seven years as Governor, I have never seen the so-called right-to-work law serve as a valuable economic development tool. In the last seven years of recruiting businesses to move to New Hampshire, not one business leader has ever even asked me if New Hampshire had a right-to-work law, let alone suggested it was a factor in the company's location decision. No New Hampshire business leaders have ever told me that the lack of a so-called right-to-work law prevented them from expanding or hiring new workers here in New Hampshire. And no New Hampshire workers have ever told me they couldn't get a job because New Hampshire doesn't have a so-called right-to-work law. The debate over the so-called right-to-work bill in New Hampshire appears to be largely driven by national outside interest groups, and is not a result of problems facing New Hampshire businesses

or workers. There is no justification in this case for state government to interfere with the right of private businesses to freely negotiate and enter into contracts with their employees. Therefore, I am vetoing HB 474.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 474-FN**, relative to freedom of choice on whether to join a labor union, become law?

Reps. Weyler and Gary Daniels spoke in favor.

Rep. Infantine spoke in favor and yielded to questions.

Reps. Herbert Richardson, Marshall Quandt and Goley spoke against

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 240 NAYS 139

YEAS 240

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Russell, David	Simpson, Tyler	Swinford, Elaine	Tilton, Franklin
Tobin, William	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Byrnes, John	Cartwright, Anne	Hunt, John	Johnson, Jane
Moore, Charles	Moore, Robert Jr	Sterling, Franklin Jr	

COOS

Daugherty, Duffy	Rappaport, Laurence
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GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Mirski, Paul	Reilly, Harold Sr	Shackett, Jeffrey
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brownrigg, Randall Jr	Burt, John	Cebrowski, John
Christensen, D.L. Chris	Christiansen, Lars	Coffey, James	Condra, William
Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Emerton, Larry	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gargas, Carolyn	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Hogan, Timothy	Holden, Frank
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	O'Brien, William
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Reed, Michael	Renzullo, Andrew	Rowe, Robert

Seidel, Carl
Souza, Kathleen
Twombly, Timothy
Warden, Mark

Silva, Peter
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

Soucy, Connie
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Allen, Mary
Bates, David
Brown, Paul
DeSimone, Debra
Fesh, Robert
Hagan, Joseph
Introne, Robert
Lundgren, David
Mauro, Donna
O'Connor, John
Peckham, Michele
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Charron, Gene
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Tucker, Pamela

Azarian, Gary
Betencourt, David
Comerford, Timothy
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Reichard, Kevin
Sapienza, Marie
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Newton, Clifford
Pitre, Joseph

DeLemus, Susan
Larsen Schultz, Kirsten
O'Connor, William
Vita, Carol

Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 139

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

St. Cyr, Jeffrey

CARROLL

CHESHIRE

Butynski, William
Emerson, Susan
Meador, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Dwinell, Richard
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Richardson, Herbert
Tremblay, Marc

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
White, Andrew

Almy, Susan
Harding, Laurie
Pierce, David

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gimas, John
Judy, Jean
Long, Patrick
Pilotte, Maurice
Rhodes, Brian
Stroud, Kathleen

Buxton, Michael
Day, Russell
Goley, Jeffrey
Katsiantonis, Thomas
McCarthy, Michael
Porter, Marjorie
Robbins, David
Sullivan, Daniel

Campbell, David
Garrity, Patrick
Gorman, Mary
Leishman, Peter
Messier, Irene
Proulx, Mark
Rosenwald, Cindy
Terrio, Ross

Cote, David
Gidge, Kenneth
Hopper, Gary
Levasseur, Nickolas
Pepino, Leo
Ramsey, Peter
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Frazier, June
MacKay, James
Rice, Chip
Watrous, Rick

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Kidder, David
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
DiPentima, Rich
Lovejoy, Patricia
Pantelakos, Laura
Quandt, Matt
Serlin, Christopher

Chirichiello, Brian
Dowling, Patricia
McKinney, Betsy
Perkins, Amy
Read, Robin Jr
Waddell, James

Copeland, Timothy
Janvrin, Kevin
Moody, Marcia
Perkins, Lawrence
Sapareto, Frank
Webb, James

Devine, James
Katsakiores, Phyllis
Norelli, Terie
Quandt, Marshall
Schlachman, Donna
Welch, David

STRAFFORD

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Brown, Julie
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Domingo, Baldwin
Hooper, Dorothea
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Laware, Thomas

Lefebvre, Benjamin

and the veto was sustained lacking the necessary two-thirds vote.

GOVERNOR'S VETO MESSAGE ON HB 542-FN

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed HB 542, an act relative to exceptions for objectionable material in public school courses. I am vetoing this legislation because it does not clearly define what material would be objectionable; it would be disruptive to classrooms and other students; and it would be difficult for school districts to administer. Current law already allows for parents to remove their children from classrooms for particular lessons on health or sex education. Given the strong moral and religious issues inherent in those subjects, that is appropriate. But this legislation goes far beyond that. HB 542 would allow a parent to determine any course material is "objectionable" and require school districts to work with parents to develop an alternative. This legislation in essence gives every individual parent of every student in a classroom a veto over every single lesson plan developed by a teacher. For example, under this bill, parents could object to a teacher's plan to: teach the history of France or the history of the civil or women's rights movements. Under this bill, a parent could find "objectionable" how a teacher instructs on the basics of algebra. In each of those

cases, the school district would have to develop an alternative educational plan for the student. Even though the law requires the parents to pay the cost of alternative, the school district will still have to bear the burden of helping develop and approve the alternative. Classrooms will be disrupted by students coming and going, and lacking shared knowledge. Just as important, this legislation will fundamentally damage educational quality. Much of the genesis behind this legislation is objections to certain books that have been used in lessons. This is a perennial debate, and teachers and schools have a responsibility to ensure they are using age-appropriate, school-appropriate materials in their classrooms. The intrinsic value of education is exposing students to new ideas and critical thinking. This legislation encourages teachers to go the lowest common denominator in selecting material, in order to avoid "objections" and the disruption it may cause their classrooms. Because it is unclear what educational material or programs would be objectionable and the quality of education in the classroom could be impacted, I am vetoing this bill.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 542-FN**, relative to exceptions for objectionable material in public school courses, become law?

Rep. Gorman spoke against.

Rep. Flanagan spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 244 NAYS 130

YEAS 244

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Russell, David	Simpson, Tyler	Swinford, Elaine	Tilton, Franklin
Tobin, William	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	McCarthy, Frank
McConkey, Mark	Morrow, Harry	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Moore, Charles	Moore, Robert Jr
Smith, Edwin			

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Mirski, Paul	Reilly, Harold Sr	Shackett, Jeffrey
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Day, Russell
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Emerton, Larry
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gagne, Larry

Gandia, Laura
 Hardwick, Harry
 Hogan, Edith
 Jasper, Shawn
 Maltz, Jonathan
 McGuinness, Sean
 Murphy, Keith
 Palmer, Barry
 Pepino, Leo
 Renzullo, Andrew
 Simmons, Tammy
 Stroud, Kathleen
 Ulery, Jordan

Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Krasucki, Joseph
 Marcus, Bruce
 Mecheski, Holly
 Notter, Jeanine
 Palmer, Stephen
 Peterson, Lenette
 Rowe, Robert
 Soucy, Connie
 Summers, James
 Villeneuve, Moe

Haefner, Robert
 Hikel, John
 Hopper, Gary
 Lambert, George
 McCarthy, Michael
 Messier, Irene
 Ober, Lynne
 Parison, James
 Pratt, Calvin
 Seidel, Carl
 Souza, Kathleen
 Swank, Matthew
 Warden, Mark

Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 LeBrun, Donald
 McClarren, Donald
 Moran, Edward
 Ohm, Bill
 Pellegrino, Tony
 Reed, Michael
 Silva, Peter
 Stepanek, Stephen
 Twombly, Timothy
 Willette, Robert

MERRIMACK

Coffey, Jennifer
 Hill, Gregory
 Lauer-Rago, Kathleen
 McGuire, Dan
 Sanborn, Laurie
 Winter, Steven

Cohn, Seth
 Keane, Thomas
 Lindsley, Mark
 Palfrey, David
 Seaworth, G. Brian

Cox, Sean
 Kotowski, Frank
 McDonnell, John
 Reed, Dennis
 Smith, Molly

Giuda, J. Brandon
 Kreis, Kenneth Sr
 McGuire, Carol
 Richardson, Jon
 Smith, Todd

ROCKINGHAM

Abrami, Patrick
 Bettencourt, David
 Comerford, Timothy
 Dowling, Patricia
 Garcia, Marilinda
 Headd, James
 Kappler, Lawrence
 MacMahon, Bruce
 McKinney, Betsy
 O'Connor, John
 Peckham, Michele
 Quandt, Matt
 Ritter, Glenn
 Schroadter, Adam
 Smith, William
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Antosz, Jason
 Birdsell, Regina
 Davenport, Joshua
 Duarte, Joe
 Garrity, James
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Major, Norman
 McMahon, Charles
 Okerman, Richard
 Perkins, Amy
 Reagan, John
 Sanders, Elisabeth
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Waterhouse, Kevin

Bates, David
 Brown, Paul
 DeSimone, Debra
 Elliott, Robert
 Griffin, Mary
 Introne, Robert
 Kolodziej, Walter
 Manuse, Andrew
 Murphy, Brian
 Oligny, Jeffrey
 Perkins, Lawrence
 Reichard, Kevin
 Sapareto, Frank
 Sheffert, Kenneth
 Sytek, John
 Tucker, Pamela
 Webb, James

Belanger, Ronald
 Chirichiello, Brian
 Devine, James
 Fesh, Robert
 Hagan, Joseph
 Itse, Daniel
 Lundgren, David
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Quandt, Marshall
 Rice, Frederick
 Sapienza, Marie
 Shuler, Wyman III
 Tamburello, Daniel
 Waddell, James
 Welch, David

STRAFFORD

Andolina, Donald
 Larsen Schultz, Kirsten
 O'Connor, William
 Vita, Carol

Cataldo, Sam
 Leonard, Frederick Jr
 Panek, William
 Vita, Lucien

DeLemus, Susan
 Munck, Philip
 Parsons, Robbie
 Weeden, Michael

Groen, Warren
 Newton, Clifford
 Pitre, Joseph

SULLIVAN

Bowers, Spec
 Laware, Thomas

Cunningham, Steven
 Osgood, Joe

Howard, Thomas
 Rodeschin, Beverly

LaCasse, Paul Sr
 Smith, Steven

NAYS 130

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

St. Cyr, Jeffrey

CARROLL

Babson, David Jr

Knox, J. David

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Carr, Daniel
Lindsey, Steven
Sad, Tara
Weed, Charles

Chase, Cynthia
Meader, David
Sterling, Franklin Jr

Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Harding, Laurie
Pierce, David
White, Andrew

Benn, Bernard
Ladd, Rick Jr
Simard, Paul

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Goley, Jeffrey
Kurk, Neal
Pilotte, Maurice
Rhodes, Brian
Shaw, Barbara
Whitehead, Randall

Campbell, David
Garrity, Patrick
Gorman, Mary
Leishman, Peter
Porter, Marjorie
Robbins, David
Sullivan, Daniel

Cote, David
Gidge, Kenneth
Judy, Jean
Levasseur, Nickolas
Proulx, Mark
Rokas, Ted
Terrio, Ross

Daler, Jennifer
Gimas, John
Katsiantonis, Thomas
Ober, Russell III
Ramsey, Peter
Rosenwald, Cindy
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hess, David
MacKay, James
Rice, Chip
Watrous, Rick

Foose, Robert
Hoell, J.R.
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

Allen, Mary
Copeland, Timothy
Janvrin, Kevin
Pantelakos, Laura

Azarian, Gary
DiPentima, Rich
Lovejoy, Patricia
Read, Robin Jr

Cali-Pitts, Jacqueline
Ferrante, Beverly
Moody, Marcia
Schlachman, Donna

Charron, Gene
Hutchinson, Karen
Norelli, Terie
Serlin, Christopher

STRAFFORD

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Keans, Sandra
Spainhower, Dale
Watters, David

Brown, Julie
Grassie, Anne
Jones, Kyle
Perry, Robert
Spang, Judith

Browne, Brendon
Hofemann, Roland
Jones, Laura
Roberts, Jenna
Sprague, Dale

Domingo, Baldwin
Hooper, Dorothea
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the veto was sustained lacking the necessary two-thirds vote.

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time and when the House adjourns today, it be to meet Wednesday, January 4, 2012 at 9:00 a.m.
Adopted.

UNANIMOUS CONSENT

Rep. Winfred Hutchinson addressed the House.

MOTION TO PRINT REMARKS

Rep. Graham moved that the remarks made by Rep. Winfred Hutchinson be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Winfred Hutchinson: Thank you, Mister Speaker. Mr. Speaker and colleagues, I rise to congratulate the Manchester Central High School marching band for being invited to the 70th anniversary memorial of the attack on Pearl Harbor and to recognize the band members, their parents, staff and alumni as well as the office of Mayor Ted Gatsas for helping raise \$200,000 to pay for the trip to Oahu. As part of the overall project, the band learned about the connection between Central and the attack 70 years ago. There were three Central alumni killed in action that fateful day. David L. Crossett, United States Navy, Central class of 1936, killed in action on the USS Utah; Joseph Rozmus, United States Navy, Central class of 1939, entombed in the USS Arizona; and Joseph J. "Little Joe" Jedrysik, Central class of 1939, PFC Army Air Corp. Little Joe's story is perhaps the only one that we know the details of on that fateful day. There was a Big Joe and a Little Joe stationed at Hickam and both were chaplain assistants at the chapel. "Big Joe" Joseph Nelles was the assistant for the Catholic services. "Little Joe" PFC Joseph Jedrysik was the assistant for the Protestant services. Big Joe was in the chapel at 7 a.m. preparing for Mass and Little Joe had just finished breakfast and was walking across the field to the chapel when the attack started. Little Joe saw the chapel take a direct hit. He could have run for cover but he instead ran to a machine gun placement near the flagpole on the field and started firing on the attacking planes. Joe died a hero in a subsequent bomb blast. The chapel presently at Hickam is named in honor of Joe Nelles; however, the courage of Little Joe embodies the spirit of the young people of the day and the youngsters in the band take a sense of pride from his story. Today, they call it Central Pride and as an alumni of that school, I call it American pride, passed down from the proud people of New Hampshire in history to the city and schools of Manchester and the rest of the state. Little Joe embodied that pride and the 113 young kids in that band are going to Oahu to honor Joe and all who died on that day 70 years ago. They represent their school, their city, their state and their country well. Godspeed to them on their journey and congratulations to the "Little Green" marching band. Thank you, Mister Speaker.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the reading-in of petitions, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

Adopted.

RECESS**COMMITTEE ASSIGNMENTS**

The Speaker made the following changes to committee assignments:

Rep. Gary Hopper off Fish and Game and Marine Resources and on Judiciary.

Rep. Norman Tregenza off Judiciary and on Fish and Game and Marine Resources.

RECESS**(Speaker O'Brien in the Chair)**

The Speaker called the recessed session of November 30, 2011 to order at 9:00 a.m.

CLERK'S NOTE

Although the 11/30/11 Session continues here, the actual date is January 4, 2012.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by the Most Reverend Peter Anthony Libasci, Bishop of Manchester.

O God, who arranges all things according to a wonderful design and in whose hand lies every

human heart and the rights of peoples, graciously receive the prayers we pour out to You for our state, that through the wisdom of its leaders and the integrity of its citizens, harmony and justice may be assured and lasting prosperity come with peace. Look with favor on the assembled for whom we now pray and mercifully pour out upon them the spirit of Your wisdom, that they may decide everything for the well-being and peace of all and may never turn aside from Your will. For Yours is the Kingdom and the Power and the Glory forever and ever. Amen.

Representative Lenette Peterson, member from Merrimack, led the Pledge of Allegiance.

The National Anthem was sung by the Henderson family of New Boston; Bryan, Anna, Jeff, Emma, Maisy and John.

LEAVES OF ABSENCE

Reps. Beattie, Ronald Belanger, Case, Champagne, Jennifer Coffey, Coulombe, Eaton, Day, Emerson, Ferrante, Hofemann, Karen Hutchinson, Levasseur, Major, Panek, Powers and Chip Rice, the day, illness.

Reps. Brendon Browne, Domingo, Lundgren, Todd Smith and Summers, the day, important business.

INTRODUCTION OF GUESTS

Ovide Lamontagne, guest of Rep. Bettencourt. Megan Lyman, Miss Lakes Region, accompanied by her parents Jack and Liz Lyman, guests of Rep. Swinford. Linda Rae Kennett Banfill and Raiph Mellor, guests of Rep. Lambert. John Mann, guest of Reps. Weber and Sad. Legislative Youth Advisory Council member Sean Ferry, guest of Rep. Gargas. Susan Henderson, mother of the singers, guest of the House. The Honorable Joy Tilton, former member from Northfield, fiancé of Rep. Butynski. Jeanne Dietsch, guest of Rep. Leishman. Gary Carreau, guest of Rep. Sapienza. The Wilton-Lyndeborough Cooperative High School Boys Soccer Team, Division IV State Champions, accompanied by their coach, Steve Martus and principal, Brian Bagley, guests of the Speaker and Reps. Condra and Holden. The Schmechel and Wikman families of Lyndeborough, the Steadman family of Bedford, guests of the Speaker.

Trista Goddard and Clara Hodges, students from the Community School in South Tamworth, Pages for the day.

INTRODUCTION OF SPECIAL GUESTS

Lori, Aiden and Kieran Cox, and Marianne Hyer, wife, sons and mother of the Honorable Sean C. Cox.

(Rep. Tucker in the Chair)

HOUSE RESOLUTION NO. 14

Memorializing State Representative Sean C. Cox of Andover

WHEREAS, we have learned with profound sorrow of the death of our friend and colleague, Sean C. Cox, who was serving his first term as a State Representative, representing the citizens of Andover, Boscawen, Canterbury, Loudon, Northfield and Salisbury; and

WHEREAS, Sean C. Cox served with diligence and enthusiasm on the Science, Technology and Energy Committee, receiving praise from committee colleagues regardless of party, for his attentiveness and quest for understanding; and

WHEREAS, Sean Cox was an avid snowboarder who instructed others, enjoyed baseball and football, was a teenage survivor of cancer, was inspired by James Madison, enjoyed spending time with friends at the town beach on Highland Lake in Andover and according to wife Lori, "felt really blessed to call New Hampshire home;" and

WHEREAS, Sean Cox always admitted he was bad with remembering names and so found it funny to be assigned a seat between two Representatives named Kevin; and

WHEREAS, Sean Cox was a lover of knowledge, having had a scholarship named for him at Rocky Hill School awarded to students who exhibit both excellence and promise in mathematics and science, and went on to a degree in engineering from Rensselaer Polytechnic Institute, an MBA from New York University and then another degree in culinary arts; and

WHEREAS, as evidenced from his lifelong pursuit of education, Sean Cox embodied his favorite quote by author Robert Heinlein which reads, "A human being should be able to change a diaper, plan an invasion, butcher a hog, conn a ship, design a building, write a sonnet, balance accounts, build a wall, set a bone, comfort the dying, take orders, give orders, cooperate, act alone, solve equations, analyze a new problem, pitch manure, program a computer, cook a tasty meal, fight efficiently, die gallantly;" and

WHEREAS, above all, Sean C. Cox was a devoted family man who married his first love Lori, and most recently was a deeply caring stay-at-home dad to sons Aiden and Kieran; now, therefore, be it **RESOLVED**, by the House of Representatives in Regular Session convened, that Sean C. Cox be granted the highest praise and accolades and our profound thanks for his service to his state and the town he called home, and, be it further

RESOLVED, that expressions of our most heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to them.

Offered by the House of Representatives.

Adopted unanimously by a rising vote.

MOMENT OF SILENCE

A moment of silence was observed in honor and memory of Representative Sean Cox.

MOTION TO PRINT REMARKS

Rep. Gary Richardson moved that the remarks made by Speaker O'Brien be printed in the Permanent Journal.

Adopted.

MEMORIAL REMARKS

Speaker O'Brien: I thought I could give you a sense of who our departed colleague, Sean Cox, was by reading a speech given by his wife at a Toastmaster's affair several weeks before Sean passed on. She says, "I was at the library this summer and ran across a book entitled *You know you're in New Hampshire when.....* One particular entry made me laugh, "You know you're in New Hampshire when your neighbor is a state representative and your neighbor's neighbor is a state representative," and it made me laugh because soon after I moved to New Hampshire, I joined my town's 4th of July committee and met two of the 400 state representatives and that also hit rather close to home, because there is a state rep. living in my house. So how did all this start? My husband, Sean, was spending way too much time reading political commentary and I was getting fed up. I told him, in a rather exasperated tone, "Stop wonking and actually do something." He actually did something. He worked on a presidential campaign and he ran for school board and lost by a significant margin. He came in last place. I thought that was the end of his political aspirations. I was wrong. In early 2010, after seeing a few odd pieces of mail that seemed to be aimed at candidates for political office, Sean finally announced that he was running for state rep. I wasn't thrilled at the prospect and I told him that he could have the time needed to run a campaign and attend meetings but that was where my support ended. I was not going to campaign for him or attend any political events. He agreed to this. I also didn't think he had any chance of being elected. We live in a small town with just over 2,300 residents and the district is comprised of 6 towns; 3 of which are larger than ours. There would be a primary in September and the family was taking a 2-week long road trip in August and there was also the incumbent factor. The district had 4 Democrat and 2 Republican representatives and all but one were running for reelection. I honestly believed that the campaign would be over after the primary, but Sean made it through the primary, finishing sixth out of seven candidates. November came around and I was sure that the incumbents would be reelected, leaving only one open seat for a newcomer. I sat at home election night watching the results come in. The first precinct's results didn't look promising. After the second and third precincts reported, Sean was in 6th place, which meant he had a chance. I turned off the computer and got the phone call from Sean with the results. There was a Republican sweep in the Merrimack 6 District. He had been elected. It took a while for the news to sink in. In fact, I was sitting in the gallery of the House Chamber still in disbelief that I was there to watch my husband take the oath of office. It has been almost a year since Sean got elected. Life has been a bit more chaotic with trying to coordinate schedules and we've had to prepare for the possibility of the legislative session going into the early morning. Fortunately, that did not happen. We get more mail and phone calls and Sean's email volume has dramatically increased. It has been interesting to learn which issues people in the state are especially passionate about. It was pretty clear that hot button issues such as gay marriage, the right to work bill and the cuts to the biennial budget would receive a lot of attention, but who knew that people cared so much about the speed limits on Lake Winnepesaukee? And, the boys have gotten some unexpected perks like getting to view Concord from the State House dome, which is not open to the public. Fortunately, I have not had to attend any political events, except the ceremony to celebrate the opening a new

section of the Northern Rail Trail, but I had a separate reason for attending; I was performing with the community band at the event. Having to take care of the kids has usually provided a way out of events. Since statewide elected offices are two-year terms, it is nearly time to start thinking about elections again. Sean isn't sure whether he is running again, but thankfully he has made it clear to me that higher offices are not part of his future plans. I'm not sure how I feel about a second term. The pay is lousy, \$100/year plus mileage, and some of his responsibilities cut into the family time. I do feel that he does a good job listening to constituents and helping them to the extent that he is able. I believe that he has been assigned to the right committee based on his background, Science, Technology and Energy, and that his heart is in this job. So, in short, being a politician's wife, at least a NH state representative's wife, has not been the burden that I was expecting and I actually feel better knowing that my husband actually listened to me and finally did something."

I would ask all of you to carry Sean Cox and his special grace and his dignity in our memories. His example of dedication to the public will serve us well as we serve the remainder of this term and as we go forward in other endeavors to serve the people of New Hampshire. Thank you.

(Speaker O'Brien in the Chair)

GOVERNOR'S VETO MESSAGE ON HB 218

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed HB 218, relative to the New Hampshire rail transit authority. I am vetoing this legislation because business leaders, particularly in Nashua and Manchester, has clearly said that this bill will hurt their efforts to grow their businesses, to create jobs and to attract new companies to New Hampshire. The New Hampshire business community has made a clear statement that it sees rail, in the words of the Greater Manchester Chamber of Commerce, as "a proven economic catalyst that will spur economic development and create jobs." Several major companies have made clear that they believe rail will improve their ability to attract workers, access their markets, attract additional customers and grow their businesses in New Hampshire. In addition, the Manchester and Nashua chambers of commerce both believe that developing the state's rail infrastructure will assist their efforts to attract new businesses and jobs to the state. That is one reason both Chambers have asked me to veto this legislation. The Merrimack Town Council, the Bedford Town Council, and the Nashua Board of Aldermen have also passed resolutions expressing support for expanded rail service and the benefits it would bring to their communities. The support of the business community is validated by an independent study that concluded that the development of rail in the capital corridor could result in more than \$2.4 billion in new business sales and nearly 1,000 new jobs created and sustained in New Hampshire in the first twenty years of operation. HB 218 makes substantial changes to New Hampshire Rail Transit Authority that will reduce its ability to fully consider all transit options for the state. New Hampshire businesses banded together to raise \$120,000 to fund the Rail Authority's grant application without any state funds because they believe a full consideration of rail is important to New Hampshire's economic future. Going back on our commitment to the businesses who contributed funds to pay for grant applications sends the wrong signal to the private sector about state government's willingness to stand by its commitments. We should see the study through to its conclusion with a fully functioning Rail Authority so that we can make informed policy choices about the best way forward for our state. Concerns about specific provisions in the Rail Authority statute could have been addressed through much more narrowly drafted language that would leave intact important functions of the rail authority. As currently written, this legislation takes away the rail authority's ability to enter into contracts with partner organizations, to accept gifts and to work with the private sector on economic development projects adjacent to potential rail sites. Given the strong concerns among New Hampshire business leaders that this legislation will jeopardize their efforts to grow their businesses and create new jobs, I am vetoing House Bill 218.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 218**, relative to the New Hampshire rail transit authority, become law?

Reps. Dan McGuire, William Smith and Kurk spoke in favor.

Reps. Rhodes and Scotsas spoke against.

Rep. Hikel yielded to questions.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 231 NAYS 128**YEAS 231****BELKNAP**

Accomero, Harry
Kingsbury, Robert
Simpson, Tyler
Worsman, Colette

Comtois, Guy
Luther, Robert
Swinford, Elaine

Flanders, Donald
Malone, Robert
Tilton, Franklin

Greemore, Robert
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Simard, Paul

Brosseau, Charles
Mirski, Paul
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Belvin, William
Burt, John
Condra, William
DeJong, Cameron
Emerton, Larry
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Palmer, Barry
Renzullo, Andrew
Soucy, Connie
Ulery, Jordan
Willette, Robert

Balboni, Michael
Bergevin, Jerry
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gimas, John
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Palmer, Stephen
Rowe, Robert
Souza, Kathleen
Vaillancourt, Steve

Ball, J. Michael
Boehm, Ralph
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Ober, Lynne
Parison, James
Seidel, Carl
Stepanek, Stephen
Villeneuve, Moe

Barry, J. Gail
Brownrigg, Randall Jr
Coffey, James
Daniels, Gary
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Timothy
Infantine, William
Lambert, George
McClarren, Donald
Ober, Russell III
Pratt, Calvin
Simmons, Tammy
Terrio, Ross
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

Giuda, J. Brandon
Keane, Thomas
McDonnell, John
Reed, Dennis
Smith, Molly

Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred

Allen, Mary
Bates, David

Antosz, Jason
Bettencourt, David

Azarian, Gary
Birdsell, Regina

Brown, Paul
 Copeland, Timothy
 Duarte, Joe
 Garrity, James
 Hoelzel, Kathleen
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Peckham, Michele
 Reichard, Kevin
 Sapareto, Frank
 Shuler, Wyman III
 Tamburello, Daniel
 Ward, Joanne
 Weyler, Kenneth

Charron, Gene
 Davenport, Joshua
 Elliott, Robert
 Griffin, Mary
 Introne, Robert
 MacMahon, Bruce
 McMahon, Charles
 Okerman, Richard
 Perkins, Amy
 Rice, Frederick
 Schroadter, Adam
 Smith, William
 Tasker, Kyle
 Waterhouse, Kevin

Chirichiello, Brian
 DeSimone, Debra
 Fesh, Robert
 Hagan, Joseph
 Janvrin, Kevin
 Manuse, Andrew
 Murphy, Brian
 Oigny, Jeffrey
 Perkins, Lawrence
 Ritter, Glenn
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Webb, James

Cornford, Timothy
 Devine, James
 Garcia, Marilinda
 Headd, James
 Kappler, Lawrence
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Reagan, John
 Sanders, Elisabeth
 Sheffert, Kenneth
 Sullivan, Kevin
 Tucker, Pamela
 Welch, David

STRAFFORD

Andolina, Donald
 Jones, Kyle
 Munck, Philip
 Pitre, Joseph

Cataldo, Sam
 Jones, Laura
 Newton, Clifford
 Vita, Carol

DeLemus, Susan
 Larsen Schultz, Kirsten
 O'Connor, William
 Vita, Lucien

Groen, Warren
 Leonard, Frederick Jr
 Parsons, Robbie
 Weeden, Michael

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

NAYS 128

BELKNAP

Bolster, Peter
 St. Cyr, Jeffrey

Fields, Dennis

Millham, Alida

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
 Johnson, Gladys
 Sad, Tara

Carr, Daniel
 Lerandeau, Alfred
 Tatro, Bruce

Chase, Cynthia
 Meader, David
 Weber, Lucy

Hawkes, Samuel
 Parkhurst, Henry
 Weed, Charles

COOS

Hatch, William
 Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
 Gould, Franklin
 Pierce, David
 White, Andrew

Almy, Susan
 Harding, Laurie
 Smith, Suzanne

Benn, Bernard
 Nordgren, Sharon
 Taylor, Kathleen

Cooney, Mary
 Pastor, Beatriz
 Townsend, Charles

HILLSBOROUGH

Barody, Benjamin
 Buxton, Michael
 Daler, Jennifer
 Gidge, Kenneth
 Katsiantonis, Thomas
 McGuinness, Sean
 Pepino, Leo

Barry, Richard
 Campbell, David
 Erickson, Duane
 Goley, Jeffrey
 LeBrun, Donald
 Messier, Irene
 Pilotte, Maurice

Belanger, James
 Christensen, D.L. Chris
 Gargas, Carolyn
 Gorman, Mary
 Leishman, Peter
 Ohm, Bill
 Porter, Marjorie

Brown, Kevin
 Cote, David
 Garrity, Patrick
 Hinch, Richard
 Long, Patrick
 Pellegrino, Tony
 Proulx, Mark

Ramsey, Peter
Rokas, Ted
Silva, Peter
Twombly, Timothy

Reed, Michael
Rosenwald, Cindy
Stroud, Kathleen
Whitehead, Randall

Rhodes, Brian
Scontsas, Lisa
Sullivan, Daniel

Robbins, David
Shaw, Barbara
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Potter, Frances
Watrous, Rick

Deloge, Helen
Gile, Mary
MacKay, James
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Shurtleff, Stephen

Foose, Robert
Kotowski, Frank
Patten, Dick
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Read, Robin Jr
Waddell, James

DiPentima, Rich
Pantelakos, Laura
Sapienza, Marie

Lovejoy, Patricia
Quandt, Marshall
Schlachman, Donna

Moody, Marcia
Quandt, Matt
Serlin, Christopher

STRAFFORD

Berube, Roger
Hooper, Dorothea
Perry, Robert
Spang, Judith

Brown, Julie
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Keans, Sandra
Schmidt, Peter
Wall, Janet

Grassie, Anne
Pelletier, Marsha
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the veto was sustained lacking the necessary two-thirds vote.

GOVERNOR'S VETO MESSAGE ON HB 380

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed HB 380, which would have exempted the Commission on the Status of Men from repeal on June 30, 2011. The Commission on the Status of Men was established by the New Hampshire Legislature in 2002, with a mission to examine cultural biases and stereotyping affecting men, men's physical and mental health problems, and promote policies, initiatives and programs to improve the ability of men to be productive and responsible citizens and fathers. The New Hampshire Legislature established the Commission on the Status of Women in 1969 with a mission to identify and seek to remedy historical and institutional discrimination against women; to enhance women's opportunities in education and training, business and employment; and to honor women for their contributions to the state and the nation. The impetus to create a Commission on the Status of Men was driven at least in part by a perception by some that issues impacting men were deserving of commission level status and review that had been afforded to women. To help make state government more efficient, reduce cost, and eliminate waste and duplication, the Legislature in 2009 established a process to review and sunset certain non-regulatory boards and commissions. As a result of that process, dozens of boards and commissions were recommended for repeal, including both the Commission on the Status of Women and the Commission on the Status of Men. With the enactment of HB 390, the Commission on the Status of Women has ceased its existence as a state entity. Its work and mission will be merged with and carried on by a private non-profit organization. At the same time the Legislature repealed the existence of the Commission on the Status of Women, it also passed HB 380, which extended the life of the Commission on the Status of Men by two years, added two new members appointed by the Legislature, and expanded the mission of the Commission to include studying the economic and social costs of the absence of fathers from the home. People may in good conscience disagree and debate the relative merits of the two commissions. But there can be little disagreement that eliminating the Commission on the Status of Women while extending the Commission on the Status of Men makes little sense. If the Commission on the Status of Men wishes to continue its work and mission, it should do so in the same way as the Commission on the Status of Women, as part of private or non-profit organization. For these reasons, I am vetoing HB 380.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 380**, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission, become law? Rep. William Smith spoke against and yielded to questions.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 93 NAYS 267

YEAS 93 BELKNAP

Accornero, Harry
Russell, David

Luther, Robert
Swinford, Elaine

Malone, Robert
Tilton, Franklin

Pilliod, James
Worsman, Colette

CARROLL

Babson, David Jr

Fleck, Joseph

Pettengill, Laurie

CHESHIRE

Cartwright, Anne

Hunt, John

Johnson, Jane

Smith, Edwin

COOS

Tremblay, Marc

GRAFTON

Gionet, Edmond
Sorg, Gregory

Ingretson, Paul
Sova, Charles

Mirski, Paul

Reilly, Harold Sr

HILLSBOROUGH

Bergevin, Jerry
Emerton, Larry
Hawkins, Kenneth
Marcus, Bruce
Pellegrino, Tony
Rowe, Robert
Twombly, Timothy

Coffey, James
Flanagan, Jack
Hinch, Richard
McCarthy, Michael
Pepino, Leo
Soucy, Connie
Ulery, Jordan

Condra, William
Greazzo, Phil
Infantine, William
Ohm, Bill
Peterson, Lenette
Souza, Kathleen
Whitehead, Randall

Daniels, Gary
Haefner, Robert
Lambert, George
Palmer, Stephen
Reed, Michael
Stepanek, Stephen
Willette, Robert

MERRIMACK

Giuda, J. Brandon
McGuire, Dan

Hoell, J.R.
Richardson, Jon

Kotowski, Frank
Smith, Molly

Lindsley, Mark

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Manuse, Andrew
Peckham, Michele
Quandt, Matt
Sheffert, Kenneth
Webb, James

Baldasaro, Alfred
DeSimone, Debra
McKinney, Betsy
Perkins, Amy
Reagan, John
Tamburello, Daniel
Welch, David

Bates, David
Griffin, Mary
Murphy, Brian
Perkins, Lawrence
Rice, Frederick
Tremblay, Stella
Weyler, Kenneth

Brown, Paul
Hoelzel, Kathleen
O'Connor, John
Quandt, Marshall
Sapareto, Frank
Waterhouse, Kevin

STRAFFORD

Cataldo, Sam
Newton, Clifford

DeLemus, Susan
O'Connor, William

Groen, Warren

Munck, Philip

SULLIVAN

Bowers, Spec

Cunningham, Steven

Smith, Steven

NAYS 267

BELKNAP

Bolster, Peter
Greemore, Robert
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Tobin, William

Fields, Dennis
Millham, Alida

Flanders, Donald
Simpson, Tyler

CARROLL

Ahlgren, Christopher
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

McCarthy, Frank
Scala, Dino

CHESHIRE

Butynski, William
Hawkes, Samuel
Moore, Charles
Sterling, Franklin Jr

Byrnes, John
Johnsen, Gladys
Moore, Robert Jr
Tatro, Bruce

Carr, Daniel
Lerandeau, Alfred
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Meader, David
Sad, Tara
Weed, Charles

COOS

Daugherty, Duffy
Remick, William
Thomas, Yvonne

Hatch, William
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Brosseau, Charles
Harding, Laurie
Pierce, David
Taylor, Kathleen

Almy, Susan
Bulis, Lyle
Ladd, Rick Jr
Shackett, Jeffrey
Townsend, Charles

Benn, Bernard
Cooney, Mary
Nordgren, Sharon
Simard, Paul
White, Andrew

Bradley, Lester
Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Boehm, Ralph
Campbell, David
Cote, David
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Goley, Jeffrey
Hansen, Peter
Hogan, Timothy
Jasper, Shawn
Kurk, Neal
Maltz, Jonathan
Messier, Irene
Ober, Lynne
Pilotte, Maurice
Ramsey, Peter
Rokas, Ted
Shaw, Barbara
Terrio, Ross
Warden, Mark

Balboni, Michael
Barry, Richard
Brown, Kevin
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Garrity, Patrick
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
Judy, Jean
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Porter, Marjorie
Renzullo, Andrew
Rosenwald, Cindy
Silva, Peter
Thomas, Joseph

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Christensen, D.L. Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Gidge, Kenneth
Gorman, Mary
Hikel, John
Hopper, Gary
Katsiantonis, Thomas
Leishman, Peter
McGuinness, Sean
Murphy, Keith
Palmer, Barry
Pratt, Calvin
Rhodes, Brian
Scontsas, Lisa
Simmons, Tammy
Vaillancourt, Steve

Baroody, Benjamin
Belvin, William
Burt, John
Christiansen, Lars
Daler, Jennifer
Drisko, Richard
Gandia, Laura
Gimas, John
Graham, John
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Long, Patrick
Mecheski, Holly
Notter, Jeanine
Parison, James
Proulx, Mark
Robbins, David
Seidel, Carl
Sullivan, Daniel
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Hamm, Christine
Kidder, David
MacKay, James
Palfrey, David
Richardson, Gary
Wallner, Mary Jane

Bouchard, Candace
Foose, Robert
Hess, David
Kreis, Kenneth Sr
McDonnell, John
Patten, Dick
Sanborn, Laurie
Watrous, Rick

Cohn, Seth
Frazer, June
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Potter, Frances
Seaworth, G. Brian
Williams, Robert

Deloge, Helen
Gile, Mary
Keane, Thomas
Lockwood, Priscilla
Owen, Derek
Reed, Dennis
Shurtleff, Stephen
Winter, Steven

ROCKINGHAM

Allen, Mary	Antosz, Jason	Azarian, Gary	Bettencourt, David
Birdsell, Regina	Cali-Pitts, Jacqueline	Charron, Gene	Chirichiello, Brian
Copeland, Timothy	Davenport, Joshua	Devine, James	DiPentima, Rich
Duarte, Joe	Elliott, Robert	Fesh, Robert	Garcia, Marilinda
Garrity, James	Hagan, Joseph	Headd, James	Introne, Robert
Janvrin, Kevin	Kappler, Lawrence	Kolodziej, Walter	Lovejoy, Patricia
MacMahon, Bruce	Mauro, Donna	McMahon, Charles	Moody, Marcia
Nevins, Chris	Norelli, Terie	Okerman, Richard	Oigny, Jeffrey
Packard, Sherman	Pantelakos, Laura	Read, Robin Jr	Reichard, Kevin
Ritter, Glenn	Sanders, Elisabeth	Sapienza, Marie	Schlachman, Donna
Schroadter, Adam	Sedensky, John	Serlin, Christopher	Shuler, Wyman III
Smith, William	Sullivan, James	Sullivan, Kevin	Tucker, Pamela
Waddell, James	Ward, Joanne		

STRAFFORD

Andolina, Donald	Berube, Roger	Brown, Julie	Ginsburg, Philip
Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy	Jones, Kyle
Jones, Laura	Keans, Sandra	Larsen Schultz, Kirsten	Leonard, Frederick Jr
Parsons, Robbie	Pelletier, Marsha	Perry, Robert	Pitre, Joseph
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Vita, Carol	Vita, Lucien	Wall, Janet
Watters, David			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lefebvre, Benjamin	Lovett, Charlene	Osgood, Joe
Rodeschin, Beverly	Schmidt, Andrew		

and the veto was sustained.

Rep. Hinch voted Yea and intended to vote Nay.

GOVERNOR'S VETO MESSAGE ON SB 57

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 6, 2011, I vetoed SB 57, relative to regulation of title loan lenders. I am vetoing this legislation because legalizing excessive interest rates for title loans – rates of 300 percent APR – would be detrimental to our families, our communities, and to our economy. Thirty-one other states – including all the other New England states – ban these types of excessive interest rates. In 2006, Congress passed and former President George W. Bush signed federal legislation capping the interest rate on title loans to members of the military at 36 percent APR. In addition, SB 57 was strongly opposed by large numbers of Republicans and Democrats in the legislature, the New Hampshire Local Welfare Administrator's Association, AARP, the Banking Department, the Department of Justice, the New Hampshire Community Loan Fund and New Hampshire Legal Assistance. In 2008, bipartisan legislation supported by the Banking Department, the former Attorney General, communities and many others, capped interest rates on title and payday loans at 36 percent APR. That change was reasonable and well thought-out. There is no evidence that reversing that law would benefit New Hampshire. On the contrary, there is significant evidence that it would harm our state and families. New Hampshire currently caps interest rates for title loans at 36 percent APR. This legislation would have allowed significantly higher interest rates for loans made against the title of a car. For example, under this bill, a family who took out a \$500 loan against their car would pay \$1,187 in principal and interest over the maximum 10-month life of the loan. At the same time, companies would be allowed to loan without any inquiry into a borrower's ability to repay the loan and would even be allowed to loan to people receiving local welfare assistance. Failure to repay a loan could lead to seizure of the family car, which is often essential for family members to maintain employment. For vulnerable families, these excessive interest charges could force them further into a cycle of debt, and potentially onto public assistance. The New Hampshire Local Welfare Administrator's Association said the "temporary relief" that may come from a title loan "often comes at the cost of enslaving recipients in a cycle of increasing debt for basic needs, causing an ultimate crash and

the need to come to the legal welfare office.” Frequently, the welfare administrators said, families end up worse off than before they took out the loan. That cycle of debt hurts our families, hurts our local communities, and ultimately our economy. Therefore, I am vetoing SB 57.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor’s veto, shall **SB 57**, relative to regulation of title loan lenders, become law?

Reps. Sanborn, Tamburello, James Belanger and Gidge spoke in favor.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Ladd spoke against.

Reps. Bolster and Flanagan spoke against and yielded to questions.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 248 NAYS 123

YEAS 248

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Russell, David
Simpson, Tyler	Swinford, Elaine	Tilton, Franklin	Tobin, William
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David
McConkey, Mark	Patten, Betsey	Pettengill, Laurie	Scala, Dino
Schmidt, Stephen	Tregenza, Norman	Umberger, Karen	

CHESHIRE

Dwinell, Richard	Hunt, John	Moore, Charles	Moore, Robert Jr
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Remick, William	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingretson, Paul	Mirski, Paul	Reilly, Harold Sr	Shackett, Jeffrey
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron	Doherty, Shaun
Donovan, Daniel	Emerton, Larry	Erickson, Duane	Gagne, Larry
Gandia, Laura	Garrity, Patrick	Gidge, Kenneth	Gimas, John
Gonzalez, Carlos	Gorman, Mary	Graham, John	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Hogan, Timothy	Holden, Frank
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Judy, Jean
Katsiantonis, Thomas	Krasucki, Joseph	Lambert, George	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Murphy, Keith	Notter, Jeanine	O'Brien, William
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Stephen

Parison, James
 Pratt, Calvin
 Rhodes, Brian
 Scontsas, Lisa
 Simmons, Tammy
 Sullivan, Daniel
 Vaillancourt, Steve
 Willette, Robert

Pellegrino, Tony
 Ramsey, Peter
 Robbins, David
 Seidel, Carl
 Soucy, Connie
 Swank, Matthew
 Villeneuve, Moe

Pepino, Leo
 Reed, Michael
 Rokas, Ted
 Shaw, Barbara
 Stepanek, Stephen
 Thomas, Joseph
 Warden, Mark

Peterson, Lenette
 Renzullo, Andrew
 Rowe, Robert
 Silva, Peter
 Stroud, Kathleen
 Ulery, Jordan
 Whitehead, Randall

MERRIMACK

Blankenkaker, Lynne
 Hess, David
 Kotowski, Frank
 McDonnell, John
 Reed, Dennis
 Soltani, Tony

Cohn, Seth
 Hill, Gregory
 Kreis, Kenneth Sr
 McGuire, Carol
 Sanborn, Laurie
 Winter, Steven

DeStefano, Stephen
 Hoell, J.R.
 Lauer-Rago, Kathleen
 McGuire, Dan
 Seaworth, G. Brian

Giuda, J. Brandon
 Keane, Thomas
 Lindsley, Mark
 Palfrey, David
 Smith, Molly

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Davenport, Joshua
 Elliott, Robert
 Griffin, Mary
 Introne, Robert
 Katsakiores, Phyllis
 Mauro, Donna
 Nevins, Chris
 Packard, Sherman
 Quandt, Marshall
 Ritter, Glenn
 Schroadter, Adam
 Smith, William
 Tamburello, Daniel
 Waddell, James
 Weyler, Kenneth

Allen, Mary
 Bates, David
 Charron, Gene
 DeSimone, Debra
 Fesh, Robert
 Hagan, Joseph
 Itse, Daniel
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Peckham, Michele
 Quandt, Matt
 Sanders, Elisabeth
 Sedensky, John
 Sullivan, James
 Tasker, Kyle
 Ward, Joanne

Antosz, Jason
 Bettencourt, David
 Chirichiello, Brian
 Devine, James
 Garcia, Marilinda
 Headd, James
 Janvrin, Kevin
 MacMahon, Bruce
 McMahon, Charles
 Okerman, Richard
 Perkins, Amy
 Reagan, John
 Sapareto, Frank
 Sheffert, Kenneth
 Sullivan, Kevin
 Tremblay, Stella
 Waterhouse, Kevin

Azarian, Gary
 Birdsell, Regina
 Comerford, Timothy
 Duarte, Joe
 Garrity, James
 Hoelzel, Kathleen
 Kappler, Lawrence
 Manuse, Andrew
 Murphy, Brian
 Oligny, Jeffrey
 Perkins, Lawrence
 Rice, Frederick
 Sapienza, Marie
 Shuler, Wyman III
 Sytek, John
 Tucker, Pamela
 Welch, David

STRAFFORD

Berube, Roger
 Groen, Warren
 Leonard, Frederick Jr
 Pitre, Joseph
 Weeden, Michael

Brown, Julie
 Jones, Kyle
 Newton, Clifford
 Sprague, Dale

Cataldo, Sam
 Jones, Laura
 O'Connor, William
 Vita, Carol

DeLemus, Susan
 Larsen Schultz, Kirsten
 Parsons, Robbie
 Vita, Lucien

SULLIVAN

Bowers, Spec
 Laware, Thomas

Cunningham, Steven
 Osgood, Joe

Howard, Thomas

LaCasse, Paul Sr

NAYS 123

BELKNAP

Bolster, Peter
 St. Cyr, Jeffrey

Kingsbury, Robert

Millham, Alida

Pilliod, James

CARROLL

Babson, David Jr

McCarthy, Frank

Morrow, Harry

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Cartwright, Anne
Chase, Cynthia	Hawkes, Samuel	Johnsen, Gladys	Johnson, Jane
Lerandeau, Alfred	Meador, David	Parkhurst, Henry	Sad, Tara
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	Merrick, Evalyn	Rappaport, Laurence	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Simard, Paul	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Bergevin, Jerry	Campbell, David	Coffey, James
Condra, William	Cote, David	Daler, Jennifer	Drisko, Richard
Flanagan, Jack	Fredette, Robert	Gargas, Carolyn	Hardwick, Harry
Hopper, Gary	Kurk, Neal	Leishman, Peter	Long, Patrick
McCarthy, Michael	Messier, Irene	Moran, Edward	Palmer, Barry
Pilote, Maurice	Porter, Marjorie	Proulx, Mark	Rosenwald, Cindy
Souza, Kathleen	Terrio, Ross	Twombly, Timothy	

MERRIMACK

Bouchard, Candace	Deloge, Helen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Kidder, David	Lockwood, Priscilla
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Richardson, Gary	Richardson, Jon	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Dowling, Patricia
Lovejoy, Patricia	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Read, Robin Jr	Reichard, Kevin	Schlachman, Donna	Serlin, Christopher
Webb, James			

STRAFFORD

Andolina, Donald	Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea
Horrigan, Timothy	Keans, Sandra	Munck, Philip	Pelletier, Marsha
Perry, Robert	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
Rodeschin, Beverly	Schmidt, Andrew	Smith, Steven	

and the veto was overridden by the necessary two-thirds vote.

REMOVED FROM THE TABLE

Rep. Bettencourt moved that **SB 3-FN-A-L**, making comprehensive changes to the state retirement system, be removed from the table.

On a division vote, 319 members having voted in the affirmative and 44 in the negative, the motion was adopted.

GOVERNOR'S VETO MESSAGE ON SB 3-FN-A-L

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 15, 2011, I vetoed SB 3, making comprehensive changes to the state retirement system.

Even as this bill sits on my desk with a deadline of today, members of the ongoing conference committee on HB 1 and HB 2 have publicly announced that they will consider substantive changes to this legislation, a version of which is already included in HB 2. Those changes include potentially addressing decisions made yesterday by the Board of the Retirement System that could impact the budgets of the state and local communities. Given the legislature’s stated intent to change this legislation further, and my responsibility to review the legislation in its full and final form, I am vetoing Senate Bill 3 and will assess the legislature’s final product.

Respectfully submitted, John H. Lynch, Governor

The question being, notwithstanding the Governor’s veto, shall **SB 3-FN-A-L**, making comprehensive changes to the state retirement system, become law?
Rep. Lynne Ober spoke against.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 1 NAYS 367

**YEAS 1
BELKNAP**

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

None

MERRIMACK

Soltani, Tony

ROCKINGHAM

None

STRAFFORD

None

SULLIVAN

None

**NAYS 367
BELKNAP**

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Butynski, William
Chase, Cynthia
Johnsen, Gladys
Moore, Charles
Smith, Edwin
Weed, Charles

Byrnes, John
Dwinell, Richard
Johnson, Jane
Moore, Robert Jr
Sterling, Franklin Jr

Carr, Daniel
Hawkes, Samuel
Lerandeau, Alfred
Parkhurst, Henry
Tatro, Bruce

Cartwright, Anne
Hunt, John
Meader, David
Sad, Tara
Weber, Lucy

COOS

Daugherty, Duffy
Remick, William
Thomas, Yvonne

Hatch, William
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Brosseau, Charles
Gould, Franklin
Mirski, Paul
Reilly, Harold Sr
Sorg, Gregory
White, Andrew

Almy, Susan
Bulis, Lyle
Harding, Laurie
Nordgren, Sharon
Shackett, Jeffrey
Sova, Charles

Benn, Bernard
Cooney, Mary
Ingbretson, Paul
Pastor, Beatriz
Simard, Paul
Taylor, Kathleen

Bradley, Lester
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Smith, Suzanne
Townsend, Charles

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L. Chris
Cote, David
Daniels, Gary
Drisko, Richard
Fredette, Robert
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hopper, Gary
Jeudy, Jean
Lambert, George
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Porter, Marjorie
Reed, Michael
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Coughlin, Sean
DeJong, Cameron
Emerton, Larry
Gagne, Larry
Gimas, John
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Katsiantonis, Thomas
LeBrun, Donald
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Pratt, Calvin
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belanger, James
Brown, Kevin
Campbell, David
Coffey, James
Cusson-Cail, Kathleen
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Krasucki, Joseph
Leishman, Peter
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Proulx, Mark
Rhodes, Brian
Scontsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Baroody, Benjamin
Belvin, William
Brownrigg, Randall Jr
Cebrowski, John
Condra, William
Daler, Jennifer
Donovan, Daniel
Flanagan, Jack
Garritty, Patrick
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Kurk, Neal
Long, Patrick
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pilote, Maurice
Ramsey, Peter
Robbins, David
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Giuda, J. Brandon
Hoell, J.R.
Kreis, Kenneth Sr
MacKay, James
Owen, Derek
Reed, Dennis
Seaworth, G. Brian
Watrous, Rick

Bouchard, Candace
Foose, Robert
Hamm, Christine
Keane, Thomas
Lauer-Rago, Kathleen
McDonnell, John
Palfrey, David
Richardson, Gary
Shurtleff, Stephen
Williams, Robert

Cohn, Seth
Frazer, June
Hess, David
Kidder, David
Lindsley, Mark
McGuire, Carol
Patten, Dick
Richardson, Jon
Smith, Molly
Winter, Steven

Deloge, Helen
Gile, Mary
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
McGuire, Dan
Potter, Frances
Sanborn, Laurie
Wallner, Mary Jane

ROCKINGHAM

Abraham, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Elliott, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Manuse, Andrew
Moody, Marcia
O'Connor, John
Pantelakos, Laura
Quandt, Marshall
Reichard, Kevin
Sapareto, Frank
Sedensky, John
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Copeland, Timothy
DiPentima, Rich
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
Murphy, Brian
Okerman, Richard
Peckham, Michele
Quandt, Matt
Rice, Frederick
Sapienza, Marie
Serlin, Christopher
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Dowling, Patricia
Garcia, Marilinda
Headd, James
Janvrin, Kevin
Lovejoy, Patricia
McKinney, Betsy
Nevins, Chris
Oligny, Jeffrey
Perkins, Amy
Read, Robin Jr
Ritter, Glenn
Schlachman, Donna
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Norelli, Terie
Packard, Sherman
Perkins, Lawrence
Reagan, John
Sanders, Elisabeth
Schroadter, Adam
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
DeLemus, Susan
Hooper, Dorothea
Keans, Sandra
O'Connor, William
Pitre, Joseph
Spang, Judith
Wall, Janet

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Larsen Schultz, Kirsten
Parsons, Robbie
Roberts, Jenna
Sprague, Dale
Watters, David

Brown, Julie
Grassie, Anne
Jones, Kyle
Leonard, Frederick Jr
Pelletier, Marsha
Schmidt, Peter
Vita, Carol
Weeden, Michael

Cataldo, Sam
Groen, Warren
Jones, Laura
Munck, Philip
Perry, Robert
Spainhower, Dale
Vita, Lucien

SULLIVAN

Bowers, Spec
Howard, Thomas
Lovett, Charlene
Smith, Steven

Cloutier, John
LaCasse, Paul Sr
Osgood, Joe

Cunningham, Steven
Laware, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

and the veto was sustained.

RECONSIDERATION

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby, on a roll call vote of 244-130, it sustained the Governor's veto of **HB 542-FN**, relative to exceptions for objectionable material in public school courses.

Rep. Hess spoke in favor.

Rep. Gorman spoke against.

On a division vote, 256 members having voted in the affirmative and 115 in the negative, the motion was adopted.

The question now being, notwithstanding the Governor's veto, shall **HB 542-FN**, relative to exceptions for objectionable material in public school courses, become law?

Reps. Gorman and Ladd spoke against.

Reps. Flanagan and Balboni spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 255 NAYS 112

YEAS 255

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Russell, David	Simpson, Tyler	Swinford, Elaine	Tilton, Franklin
Tobin, William	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	McCarthy, Frank
McConkey, Mark	Morrow, Harry	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

Cartwright, Anne	Dwinell, Richard	Hunt, John	Johnson, Jane
Moore, Charles	Moore, Robert Jr	Smith, Edwin	

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbreton, Paul	Mirski, Paul	Reilly, Harold Sr	Shackett, Jeffrey
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen
Daniels, Gary	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Emerton, Larry	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
Lambert, George	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Parison, James	Pellegrino, Tony
Pepino, Leo	Peterson, Lenette	Pratt, Calvin	Proulx, Mark
Reed, Michael	Renzullo, Andrew	Robbins, David	Rowe, Robert

Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Soltani, Tony

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Allen, Mary
Bates, David
Charron, Gene
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Headd, James
Janvrin, Kevin
MacMahon, Bruce
Murphy, Brian
Oigny, Jeffrey
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Berube, Roger
Jones, Kyle
Munck, Philip
Pitre, Joseph

Cataldo, Sam
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen Schultz, Kirsten
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 112

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

St. Cyr, Jeffrey

CARROLL

Babson, David Jr

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Sad, Tara

Carr, Daniel
Lerandeau, Alfred
Tatro, Bruce

Chase, Cynthia
Meader, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

COOS

Hatch, William	Merrick, Evalyn	Remick, William	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Campbell, David	Cote, David	Daler, Jennifer
Gargas, Carolyn	Garrity, Patrick	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gorman, Mary	Jeady, Jean	Katsiantonis, Thomas
Kurk, Neal	Leishman, Peter	Long, Patrick	Messier, Irene
Ober, Russell III	Pilotte, Maurice	Porter, Marjorie	Ramsey, Peter
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara
Sullivan, Daniel	Vaillancourt, Steve		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Kidder, David
Lockwood, Priscilla	Mackay, James	Owen, Derek	Patten, Dick
Potter, Frances	Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Lovejoy, Patricia
McKinney, Betsy	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Read, Robin Jr	Schlachman, Donna	Serlin, Christopher	

STRAFFORD

Brown, Julie	Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea
Horrigan, Timothy	Keans, Sandra	Pelletier, Marsha	Perry, Robert
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
Schmidt, Andrew			

and the veto was overridden by the necessary two-thirds vote.

PETITION**Petition #11:**

Representative Jeffrey Oligny of East Hampstead, on behalf of Petitioner Dr. David Vandenberg of Hot Springs, Arkansas and formerly of Portsmouth, seeks redress relative to a grievance involving a judge of the Superior Court and a guardian ad litem.

The Speaker referred this Petition to the Committee on Redress of Grievances.

SENATE MESSAGE**CONCURRENCE WITH AMENDMENTS**

SB 198-FN, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF) and relative to marital master contracts.

SENATE MESSAGE

The Senate has voted to sustain the Governor's veto on the following bills:

SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund.

SB 154-FN, reforming and renaming the comprehensive shoreland protection act and repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

SENATE MESSAGE

The Senate has voted to override the Governor's veto on the following bills:

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

SB 57, relative to regulation of title loan lenders.

SB 88, relative to physical force in defense of a person, relative to producing or displaying a firearm or other means of self-defense, and relative to eliminating minimum sentencing and adding civil immunity for certain firearm use.

SB 91, relative to automatic fire suppression sprinklers.

HB 542-FN, relative to exceptions for objectionable material in public school courses.

SENATE MESSAGE

At the time of adjournment of the 2011 Senate Session, the following House Bills died on the table in the Senate.

HB 36-FN-L, reducing the fee for copies of birth certificates.

HB 42, relative to the appropriate officials with whom to file for a primary.

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.

HB 113, prohibiting the use of state funds for New Hampshire public television.

HB 156-FN-A, reducing the rates of the tobacco tax.

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire.

HB 305, relative to the homestead right.

HB 335-FN-A, establishing multi-use number plates

HB 341, relative to local spending caps.

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school.

HB 442-FN, relative to the use of marijuana for medicinal purposes.

HB 451-FN, relative to prerecorded political messages.

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services.

HB 617, repealing the prohibitions on Sunday business activities.

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent.

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

HJR 4, prohibiting the implementation of certain rules of the board of medicine

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

MOTION TO ADJOURN

Rep. Chandler moved that the 2011 Session of the New Hampshire House of Representatives adjourn.
Adopted.

The House adjourned at 11:30 a.m., January 4, 2012.

The 1st year Session of the 162nd General Court of the New Hampshire House of Representatives stands adjourned.

CLERK'S NOTE

OUTSTANDING BILLS

At the time of adjournment from the 2011 session, the following bills remained laid on the table in the House:

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money.

HB 37-FN-A, reestablishing the initial monthly gross charge exemption to the communications services tax.

HB 154-FN-A, increasing a threshold amount for taxation under the business enterprise tax.

HB 166-FN-A-L, reducing the rate of the meals and rooms tax.

HB 213-FN-A, reducing the rate of the business profits tax.

HB 292-FN, relative to securities regulation.

HB 343-FN, establishing a permanent state defense force.

HB 421, relative to candidates for United States senator.

HB 484-FN, requiring random drug testing of food stamp program participants.

HB 485-FN, relative to requiring photo identification for food stamp program participants.

HB 573, relative to the administration of certain pain relief medications by a school nurse.

HB 577, relative to the use of foreign languages by retail establishments.

HCR 13, urging the New Hampshire delegation to support HR 459 and S.202 requiring a comprehensive audit of the Federal Reserve.

HCR 15, urging our federal senators to vote against the Law of the Sea Convention.

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits.

At the time of adjournment from the 2011 session, the following bills were not signed off in Committee of Conference:

HB 33, relative to the care of memorials in Franconia Notch state park.

HB 141, relative to protected utility services.

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund.

SB 162-FN, relative to federal health care reform 2010.

At the time of adjournment from the 2011 session, the following bills were retained in committee for House action in the second year of the biennium:

CACR 4, relating to oaths of civil officers. Providing that persons elected to the United States Senate and House of Representatives shall take the oath of civil officers prescribed by the constitution.

CACR 7, relating to education funding. Providing that the general court shall distribute funds in the manner that it determines will best promote an equal opportunity for an adequate education.

CACR 8, relating to education. Providing that the legislature shall have the power to authorize schools.

CACR 11, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms.

CACR 13, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire.

HB 29, permitting a person to petition the superior court for any action pertaining to a pistol or revolver license.

HB 34-FN-L, relative to the distribution of total education grants to municipalities in the 2012 and 2013 fiscal years.

HB 96, relative to issuance of individual health insurance policies by health carriers.

HB 108, authorizing the town of Hampton to appoint a tree warden.

HB 121, establishing a committee to study eligibility for property tax exemptions for the permanently and totally disabled.

- HB 123**, prohibiting an electric utility from disconnecting service from a residence or building in which a person is using life-sustaining medical equipment.
- HB 125-FN**, relative to lawful commerce in firearms, including manufacture and sale, in New Hampshire.
- HB 126-FN**, prohibiting interference with access to medical services and health insurance of New Hampshire citizens.
- HB 127-FN**, relative to the definition of oral communication.
- HB 137-FN-L**, relative to the state fire code and the state building code.
- HB 138-FN**, relative to the cold case homicide unit.
- HB 151**, relative to appointments and reappointments of marital masters.
- HB 152**, relative to the definition of “party” for election purposes other than primary elections.
- HB 153**, relative to political organizations.
- HB 162-FN**, relative to capital murder for purposely causing the death of another.
- HB 165**, establishing a committee to study contract negotiations between health insurance companies and health care providers.
- HB 171**, relative to restrictions on liquor licenses.
- HB 179**, establishing a task force to study the formula for determining adequate education grants to school districts.
- HB 193**, relative to the Mount Washington commission.
- HB 194**, repealing the prohibition on having or carrying certain crossbow, rifles, or shotguns in vehicles.
- HB 199**, relative to proceedings of medical injury claims screening panels.
- HB 212**, relative to the definition of conflict of interest for executive branch officials and employees.
- HB 217-FN**, including “unborn child” in the definition of “another” for the purpose of first and second degree murder, manslaughter, and negligent homicide.
- HB 219**, establishing a committee to study the abolishment of the department of education.
- HB 221**, establishing a procedure for leasing state parks.
- HB 222-FN**, relative to administrative rules which contain a free increase, allowing political subdivisions to object to a proposed rule, and eliminating certain statutory provisions granting general rulemaking authority.
- HB 227-FN**, relative to the membership of the retirement system board of trustees.
- HB 228-FN**, prohibiting the department of health and human services from entering into a contract with Planned Parenthood Federation of America, Inc. or any organization that provides abortion services and prohibiting the use of public funds or insurance for abortion services.
- HB 232-FN**, relative to abandoned homes in manufactured housing parks.
- HB 233**, restricting judicial review of state education trust fund distributions.
- HB 234-FN-A**, relative to food service licensure.
- HB 236**, relative to worker’s compensation for illegal aliens.
- HB 241**, relative to insurance coverage.
- HB 242-FN-A**, increasing the net operating loss carryover under the business profits tax.
- HB 244**, restricting the collection of biometric data by state agencies and private entities.
- HB 247**, relative to seller financing of mortgages and making changes to the laws regulating mortgage bankers and brokers and debt adjustment services.
- HB 250**, establishing a committee to study the duties and responsibilities of fire wardens.
- HB 256-FN**, relative to the administrative appeals process of the department of environmental services.
- HB 260**, relative to the state fire code and the appeal process for decisions of the state fire marshal.
- HB 261-FN**, eliminating screening panels for medical injury claims.
- HB 263-FN**, relative to the lifetime Medicaid limit.
- HB 265-FN**, redefining earnable compensation in the retirement system for new and non-vested members in service.
- HB 268-FN**, relative to the Merrimack tolls.
- HB 269-FN**, establishing a priority based budget system focused on measurable results.
- HB 283-FN**, relative to impaired drivers.
- HB 287-FN-A**, making an appropriation for funding disaster relief and hazard mitigation in response to the May 2006 Suncook River avulsion.

- HB 293-FN**, relative to phasing out and repealing the exemption for water and air pollution control facilities from local property taxation.
- HB 294**, relative to the distance from highways for the taking of moose.
- HB 296**, relative to procedures for juvenile delinquency petitions filed by a school district or school official.
- HB 301-FN**, amending the home education statutes.
- HB 309-FN**, repealing certain insurance mandates.
- HB 310-FN**, relative to the use of open data formats and the adoption of a statewide policy regarding open government data standards.
- HB 311-FN**, relative to solar renewable energy.
- HB 315**, relative to appointment of attorney's by judges, marital masters, and judicial officers.
- HB 318-FN-L**, reducing a school district's liability for special education costs.
- HB 321-FN**, relative to the classification of wetlands as contributing or noncontributing.
- HB 324**, relative to lawful commerce in goods and services sold, made, and retained in the state of New Hampshire.
- HB 325-FN**, relative to the purchase of ill animals from licensed animal vendors and inspections of animal vendor premises by the state veterinarian.
- HB 327-FN**, relative to health care choice.
- HB 328**, relative to New Hampshire domestic liquor and wines.
- HB 332-FN**, relative to an electronic controlled drug prescription monitoring program.
- HB 334**, relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, or firearms supplies.
- HB 342**, relative to boat operation rules.
- HB 344-FN**, establishing a judicial performance review commission.
- HB 350-FN**, updating laws relative to the fiscal committee of the general court.
- HB 351-FN**, relative to insurance reimbursement for doctors of naturopathic medicine.
- HB 352**, relative to merger of lots or parcels.
- HB 354**, relative to licensure requirements for retail vehicle dealers.
- HB 356-FN**, requiring valid photo identification to vote in person.
- HB 357-FN**, suspending the payment of travel expenses for legislators and staff.
- HB 371-FN-A**, relative to capital appropriations to the liquor commission for facilities on Interstate Route 93 in Hooksett and improvements to existing stores.
- HB 383**, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association.
- HB 388-FN**, requiring providers of prepaid wireless services and voice over internet protocol services to pay surcharges for deposit in the enhanced 911 system fund.
- HB 394-FN**, relative to the regulation of oil heating technicians.
- HB 408**, relative to residential mortgage loan transactions.
- HB 415**, relative to access to abuse and neglect investigation records pending a child custody dispute.
- HB 420-FN**, relative to voluntary registration for independent contractors under workers' compensation law.
- HB 430**, establishing a committee to study the feasibility of establishing a state development bank in New Hampshire.
- HB 437-FN**, relative to the definition of marriage.
- HB 440-FN**, requiring that New Hampshire join the lawsuit challenging federal health care reform legislation, and repealing the authority for state implementation of federal health care reform.
- HB 443-FN**, establishing that marriage between one man and one woman shall be the only legal domestic union that shall be valid recognized in this state.
- HB 445-FN**, relative to the regulation of electronic tracking devices.
- HB 446-FN**, repealing the authority for regulation of certain professional occupations.
- HB 447-FN**, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers.
- HB 448-FN**, relative to spice incense products.
- HB 449-FN**, expanding the information available on the state transparency website.
- HB 454-FN-A**, establishing a job creation credit against the business profits tax and the business enterprise tax for small businesses increasing employment in New Hampshire.

- HB 455-FN**, authorizing optional enhanced drivers' licenses and optional enhanced nondrivers' picture identification cards.
- HB 458-FN-A**, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor.
- HB 460-FN**, relative to the retirement age for group II members.
- HB 463-FN**, relative to the retirement system maximum initial benefit limitation.
- HB 465-FN**, relative to the number of years for calculating average final compensation for retirement system benefits.
- HB 470-FN**, repealing the comprehensive shoreland protection act.
- HB 475-FN**, relative to penalties under the consumer protection act.
- HB 476-FN**, establishing an independent board of psychologists.
- HB 480-FN**, establishing a state renovation, repair, and painting (RRP) rule program relative to lead-safe practices.
- HB 486-FN**, relative to penalties for alcohol ignition interlock circumvention.
- HB 493-FN**, relative to the certification of integrated residential communities.
- HB 494-FN**, relative to tipped employees who deal card and table games at games of chance venues.
- HB 506-FN**, relative to false allegations of child abuse.
- HB 514**, relative to entry on private land.
- HB 515-FN**, relative to voter registration and relative to procedures for absentee voting.
- HB 517-FN**, repealing provisions concerning licensure of fuel gas fitters.
- HB 518-FN-A**, increasing the research and development tax credit and establishing a commission to assess the effectiveness of the credit.
- HB 527**, relative to tort reform.
- HB 533-FN-L**, establishing a cap on the amount of school building aid grants distributed in each fiscal year.
- HB 536-FN**, relative to the natural right to carry a firearm, openly or concealed, without a license.
- HB 543-FN**, relative to biomass combined heat and electricity facilities.
- HB 545**, repealing the department of education's rulemaking authority for home education programs.
- HB 553**, relative to the law on wiretapping and eavesdropping.
- HB 554**, relative to mental health records.
- HB 564**, relative to the adoption of forms by the department of revenue administration for the filing of taxes.
- HB 568**, relative to smoking within certain areas of New Hampshire state parks and historic sites.
- HB 574**, relative to the taking of private property during a state of emergency.
- HB 578**, relative to payment at time of medical services.
- HB 581**, regulating guaranteed price plans and prepaid contracts for petroleum.
- HB 582**, relative to communication between employers and employees during bargaining negotiations.
- HB 587**, relative to grounds for divorce for persons with minor children.
- HB 591**, relative to the determination of parental rights based on the best interest of the child; relative to grounds for modification of an order regarding parental rights and responsibilities, and relative to grandparent and stepparent visitation rights.
- HB 592**, apportioning state representative districts, congressional districts, executive council districts, and county commissioner districts.
- HB 593-FN-A-L**, relative to video lottery and table gaming.
- HB 595**, amending the compulsory school attendance statutes to permit parent-directed instruction programs and repealing the home education statutes.
- HB 599**, relative to appointments and reappointments of marital masters.
- HB 602-FN-A**, relative to funding the law requiring reporting of health care acquired infections.
- HB 604**, relative to the procedures for approval of plans, specifications, and costs of school building construction or renovation.
- HB 611-FN-A**, relative to determination of the reasonable compensation deduction under the business profits tax.
- HB 618-FN**, requiring state agencies to submit an efficiency level expenditure estimate to the commissioner of administrative services as part of the biennial budget process.
- HB 619-FN**, requiring the state of New Hampshire to opt out of the requirement that individuals purchase health insurance contained in the Patient Protection and Affordable Care Act.
- HB 624**, relative to the rulemaking authority of state agencies to establish or increase fees and costs.

HB 625-FN-A, relative to New Hampshire correctional industries.

HB 628-FN, making the touching or viewing with a technological device of a person's breasts or genitals by a government security agent without probable cause a sexual assault.

HB 633, preventing prescribing practitioners from owning pharmacies in-state and out-of-state.

HB 638-FN, relative to access to public buildings by brick or stone walkways.

HB 645-FN-A-L, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2007 through 2010.

HB 646-FN-A-L, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2006 through 2010.

HB 649, relative to the Northern Pass Project to construct and operate transmission lines from the Canadian border to a proposed terminal in Franklin, New Hampshire.

HB 653-FN, requiring general fund budget reductions to reimburse Medicaid.

HCO 1, relative to implementing an election pursuant to representative districts established in the order.

HCR 2, in support of the Arizona immigration law.

HCR 26, declaring that the Claremont case's mandates that the legislative and executive branches define an adequate education, determine its cost, fund its entire cost with state taxes, and ensure its delivery through accountability, are not binding on the legislative and executive branches.

HJR 2, prohibiting the implementation of the insurance department rules regarding the New Hampshire Medical Malpractice Joint Underwriting Association.

SB 19, relative to the definition of "prime wetlands."

SB 49, relative to tip pooling arrangements.

SB 106, naming the visitor center at Jericho Mountain state park for Robert Danderson.

SB 152-FN, relative to participation in state employees' group insurance by members of the general court.

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.

SB 160-FN, relative to the definition and regulation of installment loans.

SB 168-FN, conforming the interest and dividends tax to federal tax definitions.

SB 190, relative to the duties and membership of the executive branch ethics committee.

At the time of adjournment from the 2011 session, the following House bills remained in Senate Committees:

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

HB 72-FN-A, establishing a state aeronautical fund.

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

HB 110, requiring professional safety and security services personnel to report certain criminal offenses.

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

HB 158, relative to the misuse of social security numbers.

HB 186-FN, relative to the definition of political communication.

HB 210-FN, relative to the use of deadly force to protect oneself.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.

HB 330-FN, relative to carrying firearms.

HB 378-FN, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of "non-deadly" force.

HB 382, relative to the maintenance of municipal public cemeteries.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system.

HB 405, relative to dissolving corporations.

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards.

HB 439-FN-L, relative to claiming an invasive species as a habitat.

HB 466-FN, eliminating the ballot law commission.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities.

HB 508-FN, establishing a performance measurement system for state agencies.

HB 520-FN, requiring certain bills to have performance standard notes.

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program.

HB 588, relative to polling hours and location of polling places.

HB 597, revising the child support guidelines based on an income shares model of calculating child support.

HB 627-FN, relative to “essential benefits” under federal health care reform.

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems.

HB 648, relative to eminent domain petitions by public utilities.

At the time of adjournment from the 2011 session, the following House bills remained laid on the table in the Senate:

HB 36-FN-L, reducing the fee for copies of birth certificates.

HB 42, relative to the appropriate officials with whom to file for a primary.

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.

HB 113, prohibiting the use of state funds for New Hampshire public television.

HB 156-FN-A, reducing the rates of the tobacco tax.

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire.

HB 305, relative to the homestead right.

HB 335-FN-A, establishing multi-use number plates.

HB 341, relative to local spending caps.

HB 369-FN-L, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school.

HB 442-FN, relative to the use of marijuana for medicinal purposes.

HB 451-FN, relative to prerecorded political messages.

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services.

HB 617, repealing the prohibitions on Sunday business activities.

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent.

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

HCR 19, affirming States’ powers based on the Constitution for the United States and the Constitution of New Hampshire.

HJR 4, prohibiting the implementation of certain rules of the board of medicine.

Attested by
Karen O. Wadsworth
Clerk of the House

**CHAPTER STUDY COMMITTEES AMENDED/REPORT DATES
EXTENDED BY 2011 CHAPTERS**

COMMISSION TO STUDY WATER INFRASTRUCTURE SUSTAINABILITY FUNDING (SB 60, Chapter 245:1, Laws of 2009). Report date extended by SB 47, Chapter 144:1, Laws of 2011.

COMMITTEE TO STUDY DISPATCH TIMES WITHIN THE ENHANCED 911 SYSTEM FROM THE TIME THE CALL IS PLACED TO THE ARRIVAL OF ASSISTANCE ON SCENE AND ALL CALL TRANSFERS IN BETWEEN (SB 428, Chapter 350:1, Laws of 2010). Amended and report date extended by HB 410, Chapter 17:1, Laws of 2011.

WATER WITHDRAWALS ON INSTREAM FLOWS STUDY (SB 330, Chapter 242:2, Laws of 2000). Amended and report date extended by HB 63, Chapter 34:3, Laws of 2011.

STATUTORY COMMITTEES AMENDED

ADMINISTRATIVE RULES (RSA 541-A:2). Amended by HB 211, Chapter 107:2, Laws of 2011 and SB 161, Chapter 252:16, Laws of 2011.

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21). Amended by SB 112, Chapter 20, Laws of 2011.

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25). Amended by HB 2, Chapter 224:104, Laws of 2011.

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2). Amended by HB 91, Chapter 6:1, Laws of 2011.

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2). Amended by HB 2, Chapter 224:133, Laws of 2011.

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30). Membership and duties amended by HB 55, Chapter 90, Laws of 2011.

COMMITTEE TO STUDY LAWS RELATING TO CONDO AND HOMEOWNERS' ASSOCIATIONS (RSA 356-B:70). Duties amended by SB 54, Chapter 156:2, Laws of 2011.

CURRENT USE BOARD (RSA 79-A:3). Amended by HB 46, Chapter 33:1, Laws of 2011.

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51). Duties amended by HB 413, Chapter 109:1, Laws of 2011.

EQUALIZATION STANDARDS BOARD (RSA 21-J:14-c). Amended by HB 2, Chapter 224:199, Laws of 2011.

HEALTHY KIDS BOARD (RSA 126-H:3). Amended by HB 2, Chapter 224:310, Laws of 2011.

JUDICIAL RETIREMENT BOARD OF TRUSTEES (RSA 100-C:11). Amended by HB 299, Chapter 257:2, Laws of 2011.

NEW ENGLAND BOARD OF HIGHER EDUCATION (RSA 200-A:3). Amended by HB 2, Chapter 224:134, Laws of 2011.

PERMISSIBLE FIREWORKS ADVISORY COMMITTEE (RSA 160-C:13). Title, members and duties amended by HB 291, Chapter 160:3, Laws of 2011.

RETIREMENT SYSTEM ADMINISTRATION (RSA 100-A:13). Amended by HB 2, Chapter 224:174, II to remove legislative members.

STATE COMMITTEE ON AGING (RSA 161-F:7,I). Membership and duties amended by HB 364, Chapter 51:1, Laws of 2011.

STATE PARK SYSTEM ADVISORY COUNCIL (RSA 216-A:3-k). Report date extended by HB 131, Chapter 256:2, Laws of 2011.

STATUTORY COMMITTEES REPEALED AND REINSTATED

BREATH ANALYZER MACHINES ADVISORY BOARD (RSA 106-G:1). Repealed by HB 2, Chapter 144:87, Laws of 2009 and reinstated by HB 390, Chapter 231:1, Laws of 2011.

CANNON MOUNTAIN ADVISORY COMMISSION (RSA 12-A:29-b). Repealed by HB 2, Chapter 144:87, Laws of 2009 and reinstated by HB 390, Chapter 231:1, Laws of 2011.

ECONOMIC DEVELOPMENT FUND REVIEW (RSA 12-A:2-f). Repealed by HB 2, Chapter 144:87, Laws of 2009 and reinstated by HB 390, Chapter 231:1, Laws of 2011.

EMERGENCY MANAGEMENT SYSTEM OVERSIGHT COMMITTEE (RSA 21-P:51). Repealed by HB 2, Chapter 144:87, Laws of 2009. Reinstated by HB 390, Chapter 231:1, Laws of 2011 and amended by HB 413, Chapter 109:1, Laws of 2011.

GRANT REVIEW COMMITTEE (RSA 12-A:54). Repealed by HB 2, Chapter 144:87, Laws of 2009 and reinstated by HB 390, Chapter 231:1, Laws of 2011.

HISTORICAL COMMITTEE (RSA 17-I). Repealed by HB 2, Chapter 144:87, Laws of 2009 and reinstated and duties added by HB 114, Chapter 114:1, Laws of 2011 and HB 390, Chapter 231:1, Laws of 2011.

INFORMATION TECHNOLOGY COUNCIL (RSA 21-R:6,II). Repealed by HB 2, Chapter 144:87, Laws of 2009 and reinstated by HB 390, Chapter 231:1, Laws of 2011.

INFORMATION TECHNOLOGY OVERSIGHT COMMITTEE (RSA 21-R:9,II). Repealed by HB 2, Chapter 144:87, Laws of 2009 and reinstated by HB 390, Chapter 231:1, Laws of 2011.

STATUTORY COMMITTEES REPEALED

ADVISORY COMMITTEE ON QUALITY OF VITAL RECORDS INFORMATION (RSA 126:24-h). Repealed by HB 390, Chapter 231:2, Laws of 2011.

CHILDREN'S TRUST FUND BOARD (RSA 169-C:39-d). Repealed by HB 390, Chapter 231:2, Laws of 2011.

CITIZENS TRADE POLICY COMMISSION (RSA 19-L). Repealed by HB 390, Chapter 231:2, Laws of 2011.

COMPREHENSIVE CANCER PLAN OVERSIGHT BOARD (RSA 126-A:65). Repealed by HB 390, Chapter 231:14, Laws of 2011.

INTERAGENCY RECYCLING AND PRODUCT PURCHASE COMMITTEE (RSA 9-C:4). Repealed by HB 390, Chapter 231:2, Laws of 2011.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3). Repealed by HB 390, Chapter 231:2, Laws of 2011.

STATE HERITAGE COLLECTIONS (RSA 227-C:18). Repealed by HB 390, Chapter 231:2, Laws of 2011.

2011 CHAPTER STUDIES

HB 2 (Chapter 224:184, Laws of 2011) – COMMITTEE TO STUDY THE ESTABLISHMENT OF A FEDERAL TAX QUALIFIED VOLUNTARY DEFINED CONTRIBUTION PLAN.

Sens. Fenton Groen, Jim Luther and Sylvia Larsen, appointed by the President of the Senate.

Reps. Kenneth Hawkins, Steven J. Winter and Gregory G. Hill, appointed by the Speaker of the House of Representatives.

HB 2 (Chapter 224:185, Laws of 2011) – COMMITTEE TO STUDY RETIREMENT SYSTEM MATTERS RELATED TO DISABILITY RETIREMENT, MEDICAL SUBSIDIES, AND COST OF LIVING ADJUSTMENTS OR SUPPLEMENTAL ALLOWANCES.

Sens. Jeb Bradley, Sylvia Larsen and Jim Luther, appointed by the President of the Senate.

Reps. Kenneth Hawkins, John B. Sedensky and Spec Bowers, appointed by the Speaker of the House of Representatives.

HB 2 (Chapter 224:228, Laws of 2011) – COMMITTEE TO STUDY THE RELATIONSHIP BETWEEN THE DEPARTMENT OF EDUCATION AND LOCAL EDUCATION AUTHORITIES.

Reps. Robert F. Willette, Laura M. Jones and Karen C. Umberger, appointed by the Speaker of the House of Representatives.

Sens. Nancy Stiles and Molly Kelly, appointed by the President of the Senate.

HB 2 (Chapter 224:232, Laws of 2011) – COMMITTEE TO STUDY FUNDING OPTIONS FOR THE POLICE STANDARDS AND TRAINING COUNCIL AND THE DEPARTMENT OF SAFETY, DIVISION OF FIRE STANDARDS AND TRAINING AND EMERGENCY MEDICAL SERVICES.

Reps. Robert M. Fesh, John Byrnes and William D. Panek, appointed by the Speaker of the House of Representatives.

Sens. Jack Barnes and Lou D'Allesandro, appointed by the President of the Senate.

HB 2 (Chapter 224:277, Laws of 2011) – COMMITTEE TO DEVELOP A PLAN TO INCREASE USAGE OF CONTRACTORS TO PERFORM CERTAIN DUTIES OF THE DEPARTMENT OF TRANSPORTATION.

Reps. William B. Smith, John A. Graham, and Dan McGuire, appointed by the Speaker of the House of Representatives.

Sens., Jim Rausch and Molly Kelly, appointed by the President of the Senate.

HB 2 (Chapter 224:346, Laws of 2011) – COMMITTEE TO DEVELOP A PLAN FOR PRIVATIZING THE DEPARTMENT OF CORRECTIONS.

Reps. Dan McGuire, Joseph F. Krasucki and Russell T. Ober, III, appointed by the Speaker of the House of Representatives.

Sens. Jeanie Forrester and Andy Sanborn, appointed by the President of the Senate.

HB 168 (Chapter 105:1, Laws of 2011) – COMMITTEE TO STUDY THE JUVENILE DELINQUENCY AND CHILD IN NEED OF SERVICES STATUTES.

Reps. Edward P. Moran, Susan C. DeLemus and Debra L. DeSimone, appointed by the Speaker of the House of Representatives.

Sen. Lou D'Allesandro, appointed by the President of the Senate.

HB 178 (Chapter 119:1, Laws of 2011) – COMMITTEE TO STUDY ISSUES REGARDING FINANCIAL RESOURCES MORTGAGE, INC.

Reps. Kenneth L. Weyler, Wyman E. Shuler, III, and Sean M. McGuiness, appointed by the Speaker of the House of Representatives.

Sens. Raymond White and Jeanie Forrester, appointed by the President of the Senate.

HB 535 (Chapter 54:1, Laws of 2011) – COMMITTEE TO STUDY PAROLE BOARDS AND PAROLE BOARD PROCEDURES.

Reps. Russell T. Ober, III, Elaine B. Swinford, David B. Campbell, David A. Welch and Roger R. Berube, appointed by the Speaker of the House of Representatives.

HB 580 (Chapter 101:1, Laws of 2011) – COMMITTEE TO STUDY COLLECTIVE BARGAINING BY PUBLIC EMPLOYEES.

Sens. Sharon Carson, Raymond White and Lou D'Allesandro, appointed by the President of the Senate.

Reps. Gary L. Daniels, George A. Lambert, John T. O'Connor and Steven J. Winter, appointed by the Speaker of the House of Representatives.

HB 590 (Chapter 226:1, Laws of 2011) – COMMITTEE TO REVIEW STATE PARTICIPATION IN FEDERAL GRANT-IN-AID PROGRAMS.

Reps. Gregory M. Sorg, Laura M. Jones, Timothy P. Comerford and Paul D. LaCasse, appointed by the Speaker of the House of Representatives.

Sens. Tom De Blois and James Forsythe, appointed by the President of the Senate.

HB 621 (Chapter 114:3, Laws of 2011) – COMMITTEE TO STUDY CERTAIN RULES ADOPTED BY THE DEPARTMENT OF ENVIRONMENTAL SERVICES CONCERNING STREAM CROSSINGS.

Reps. J. Brandon Giuda, Mark E. McConkey, Duffy Daugherty and Marc D. Tremblay, appointed by the Speaker of the House of Representatives.

Sens. Jeb Bradley and Amanda Merrill, appointed by the President of the Senate.

SB 26 (Chapter 58:1, Laws of 2011) – COMMITTEE TO STUDY THE CLASSIFICATION OF MOTOR VEHICLES.

Sens. Sharon Carson and Jim Rausch (Transportation), appointed by the Senate President.

Reps. Frank R. Holden, Sherman A. Packard (Transportation), Timothy L. Twombly and Brian D. Rhodes (Transportation), appointed by the Speaker of the House of Representatives.

SB 67 (Chapter 218:1, Laws of 2011) – COMMITTEE TO STUDY THE IMPLEMENTATION OF AN EDUCATION TAX CREDIT PLAN IN NEW HAMPSHIRE.

Sens. James Forsythe, Tom De Blois and Molly Kelly, appointed by the President of the Senate.

Reps. David W. Hess, J. R. Hoell and Laura M. Jones, appointed by the Speaker of the House of Representatives.

SB 89 (Chapter 249:4, Laws of 2011) – COMMITTEE TO STUDY THE PROCUREMENT OF HEALTH INSURANCE BY EMPLOYEE LEASING COMPANIES.

Reps. Mary E. Griffin, J. Michael Ball and Norman A. Tregenza, appointed by the Speaker of the House of Representatives.

Sens. Peter Bragdon, Sharon Carson and Matthew Houde, appointed by the President of the Senate.

SB 107 (Chapter 124:1, Laws of 2011) - COMMITTEE TO STUDY THE EFFECTIVENESS OF CRITERIA FOR ESTABLISHING ATV AND TRAIL BIKE TRAILS ON STATE LANDS.

Sens. John Gallus, Jim Rausch and Andy Sanborn, appointed by the President of the Senate.

Reps. Gene G. Chandler, Dennis H. Fields and Robert L. Theberge, appointed by the Speaker of the House of Representatives.

SB 122 (Chapter 117:1, Laws of 2011) – COMMITTEE TO STUDY LAWS RELATING TO ELECTRONIC PRESCRIPTIONS.

Sens. Nancy Stiles and Andy Sanborn, appointed by the Senate President.

Reps. John M. Reagan, Rich T. DiPentima, Joanne Ward and Ross W. Terrio, appointed by the Speaker of the House of Representatives.

SB 128 (Chapter 147:1, Laws of 2011) – COMMITTEE TO STUDY SOURCES OF FUNDING FOR THE SEARCH AND RESCUE OPERATIONS OF THE FISH AND GAME DEPARTMENT.

Sens. John Gallus, Jeb Bradley and Lou D'Allesandro, appointed by the President of the Senate.

Reps. Clifford A. Newton, Gene G. Chandler, Jenna J. Roberts and Lyle E. Bulis, appointed by the Speaker of the House of Representatives.

SB 180 (Chapter 126:1, Laws of 2011) – COMMITTEE TO STUDY AVAILABILITY OF COMMUNITY SUPERVISION PROGRAMS FOR PRISONERS RELEASED ON PROBATION OR PAROLE.

Sens. Jim Luther, Sylvia Larsen and Amanda Merrill, appointed by the President of the Senate.

Reps. Elaine B. Swinford, Kenneth Kreis, Sr., and Stephen J. Shurtleff, appointed by the Speaker of the House of Representatives.

2011 STATUTORY COMMITTEES

RSA 115-D:1 (established by SB 102, Chapter 84:1, Laws of 2011) – COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY.

Sen. Gary Lambert (Health), appointed by the President of the Senate.

Reps. Frank H. McCarthy (State-Federal) and Daniel A. Donovan (Health), appointed by the Speaker of the House of Representatives.

One representative of the Veterans Administration Hospital who has expertise with post-traumatic stress disorder and traumatic brain injury, appointed by the Governor.

One member representing the mental health profession, appointed by the Governor.

One member who specializes in neurology, appointed by the Governor.

One member representing the law enforcement profession, appointed by the Governor.

The Commissioner of the Department of Health and Human Services, or designee.

Mary Morin, Director of the State Veterans Council.

One representative of the New Hampshire Psychological Association, appointed by the executive director of the association.

One representative of the Brain Injury Association of New Hampshire, appointed by such association.

One representative of the Governor's Commission on Disabilities, appointed by the Governor.

One representative of the Disabilities Rights Center, appointed by the executive director of the center.

Hon. Robert Theberge, Berlin, and Joseph DiChiaro, Jr., Londonderry, representatives of veterans organizations who serve on the State Veterans' Advisory Committee, appointed by the chairman of the State Veterans' Advisory Committee.

Barry E. Conway, Commandant, appointed by the chairman of the board of managers of the veterans' home.

One representative of the Army National Guard, appointed by the Adjutant General.

One representative of the Army Reserve, appointed by the Adjutant General.

RSA 332-I:8 (established by HB 489, Chapter 232:5, Laws of 2011) – HEALTH INFORMATION ORGANIZATION BOARD.

A consumer not affiliated with the health care industry, appointed by the Governor.

Reps. John M. Reagan, Lynne M. Ober and James M. Sullivan, appointed by the Speaker of the House of Representatives.

Sens. Bob Odell, Raymond White and Molly Kelly, appointed by the President of the Senate.

Bill Baggeroer, designee of the Commissioner of the Department of Health and Human Services.

Andrew Chalsma, member of the Department of Health and Human Services, Office of Medicaid Business and Policy, appointed by the Commissioner.

Denise Purrington, Manchester, representing a large hospital, appointed by the New Hampshire Hospital Association.

Carol Roosa, Peterborough, representing a critical access hospital, appointed by the New Hampshire Hospital Association.

Daniel Waszkowski, MD., Bedford, independent practice physician not affiliated with any hospital, appointed by the New Hampshire Medical Society.

Kirsten Platte, Newmarket, representative of community health centers, appointed by Bi-State Primary Care Association.

A representative of community mental health centers, appointed by the New Hampshire Community Behavioral Health Association.

Ronald Petrin, Bedford, appointed by the Pharmacy Board.

Deb Mullen, Concord, representative of home health care agencies, appointed by the Home Care Association of New Hampshire.

RSA 359-K:2 (established by SB 92, Chapter 250:1, Laws of 2011) – ECONOMIC STRATEGIC COMMISSION TO STUDY THE RELATIONSHIP BETWEEN NEW HAMPSHIRE BUSINESSES AND STATE GOVERNMENT.

Two members of the Senate, appointed by the President of the Senate.

Reps. Laurie J. Sanborn and Bill Ohm, appointed by the Speaker of the House of Representatives.

Twelve members of the business community, 4 of whom shall be appointed by the Senate President, 4 of whom shall be appointed by the Speaker of the House of Representatives, and 4 of whom shall be appointed by the Governor.

Nine members specializing in business law, 3 of whom shall be appointed by the Senate President, 3 of whom shall be appointed by the Speaker of the House of Representatives, and 3 of whom shall be appointed by the Governor.

Three commissioners of New Hampshire departments or their designees, one of whom shall be appointed by the Governor, one of whom shall be appointed by the Senate President, and one of whom shall be appointed by the Speaker of the House of Representatives.

RSA 359-L:1 (established by HB 248, Chapter 263:1, Laws of 2011) – COMMISSION TO STUDY BUSINESS REGULATIONS IN NEW HAMPSHIRE.

Reps. Paul Mirski, Carl W. Seidel, John W. Cebrowski and Bill Ohm, appointed by the Speaker of the House of Representatives, each of whom shall have experience or expertise in labor issues or environmental and construction issues.

Three members of the Senate, appointed by the President of the Senate, each of whom shall have experience or expertise in labor issues or environmental and construction issues.

Public members representing the following groups and interests, appointed in such a manner as to create a commission comprised of representatives from both the private and public sector, diversely representative of the state by geography and by industry:

David Juvet, Concord, appointed by the New Hampshire Business and Industry Association.

One representative of the Greater Manchester Chamber of Commerce, appointed by that organization.

J. Christopher Williams, Nashua, appointed by the Greater Nashua Chamber of Commerce.

One representative of the Franconia Notch Chamber of Commerce, appointed by that organization.

Paul R. Boucher, appointed by the Lebanon-area Chamber of Commerce.

One representative of the Greater Portsmouth Chamber of Commerce, appointed by that organization.

Dennis DiPaolo, Amherst, appointed by the Retail Merchants Association of New Hampshire.

Mike Somers, Concord, representative of the New Hampshire Lodging and Restaurant Association, appointed by the association.

Johnny Hawkes, Derry, representative of the Home Builders and Remodelers Association of New Hampshire, appointed by the association.

Mark Holden, Concord, representative of the NH/VT chapter of Associated Builders and Contractors, Inc., appointed by that organization.

One member representing human resources professionals, appointed by HR State Council of New Hampshire, the New Hampshire affiliate of the Society for Human Resource Management.

One representative of the National Association of Professional Employer Organizations, appointed by that organization.

Peter McNamara, Concord, appointed by the New Hampshire Automobile Dealers Association.

One representative of the New Hampshire High Technology Council, appointed by that organization.

Zenagui Brahim, Concord, appointed by the New Hampshire Manufacturing Extension Partnership.

Mary E. Collins, Durham, representative of the New Hampshire Small Business Development Center, appointed by that organization.

Two public members, appointed by the office of the Governor.

One representative of the building and construction trades, appointed by the Governor.

One representative of labor, appointed by the Governor.

RSA 404-C:14:VII, (a) (established by SB 170, Chapter 201:2, Laws of 2011) – COMMISSION TO STUDY THE FUTURE OF NH MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION (NHMMJUA).

Sens. Sharon Carson and Gary Lambert, appointed by the President of the Senate.

Reps. Stephen B. Stepanek, Mary E. Griffin and Peter T. Hansen, appointed by the Speaker of the House of Representatives.

Peter Forssell, M.D., representative of the New Hampshire Medical Society who is or has been a policyholder of the NHMMJUA, appointed by the society.

Robert Solitro, Manchester, representative of the New Hampshire Association of Domestic Insurance Companies, appointed by the association.

Merwyn Bagan, M.D., member of the current NHMMJUA board of directors, appointed by the board.

Chiara Dolcino, designee of the Insurance Commissioner.

RSA 420-N:3 (established by HB 601, Chapter 264:1, Laws of 2011) – JOINT HEALTH CARE REFORM OVERSIGHT COMMITTEE.

Sens. David Boutin, Raymond White and Matthew Houde, appointed by the President of the Senate.

Reps. John B. Hunt, Andrew J. Manuse and Kathleen N. Taylor, appointed by the Speaker of the House of Representatives.

RSA 519-B:13 (established by SB 12, Chapter 241:1, Laws of 2011) - MEDICAL MALPRACTICE PANEL AND INSURANCE OVERSIGHT COMMITTEE.

Sens., Jeb Bradley, Jack Barnes, Jim Luther and Matthew Houde, appointed by the President of the Senate.

Reps. Joseph M. Hagan (Judiciary), John M. Reagan (Health), Donna C. Mauro (Commerce) and Christopher F. Nevins, appointed by the Speaker of the House of Representatives.

RESIGNATIONS, DEATHS, SPECIAL ELECTIONS

RESIGNED

12/02/2010	Hills. 04	Mead, Robert D., r
03/14/2011	Straf. 03	Harty, Martin C., r
04/05/2011	Hills. 03	Huxley, Robert J., r
04/05/2011	Rock. 14	Wheaton, Gary W., r
08/16/2011	Rock. 05	Gould, Kenneth H., r
08/22/2011	Hills. 10	Brunelle, Michael D., d

DECEASED

12/09/2011	Merr. 06	Cox, Sean C., r
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DECLARED VACANCIES

08/16/2011	Rock. 05
08/22/2011	Hills. 10
12/09/2011	Merr. 06

SPECIAL ELECTIONS

05/25/2011	Hills. 04	Daler, Jennifer, d
08/24/2011	Straf. 03	Perry, Bob, d
09/14/2011	Rock. 14	Janvrin, Kevin M., r
09/28/2011	Hills. 03	Leishman, Peter R., d

PARTY BREAKDOWN ON THE 400 SEATS

Republicans:	293 R	0 R&D	=	293
Democrats:	102 D	2 D&R	=	104
Currently elected and qualified:			=	397
Vacancies: Resignations 6, Special Elections 4, Deceased 1			=	003
Total Seats:			=	400
Men: 299, Women: 98				

TABLE OF REFERENCES
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Chapter	Bill Number	Chapter	Bill Number	Chapter	Bill Number
1	HB 77	52	HB 404	103	HB 61
2	SB 11-L	53	HB 491-FN	104	HB 114
3	SB 1-FN-L	54	HB 535	105	HB 168
4	HB 32	55	HB 570	106	HB 174
5	HB 45	56	HJR 3	107	HB 211
6	HB 91	57	SB 16	108	HB 216
7	HB 93	58	SB 26	109	HB 413
8	HB 116	59	SB 35-FN-A	110	HB 431
9	HB 117	60	HB 464-FN	111	HB 504-FN
10	HB 167	61	HB 56	112	HB 521
11	HB 188	62	HB 58	113	HB 555
12	HB 192	63	HB 71	114	HB 621-FN-L
13	HB 195	64	HB 92	115	HB 629-FN
14	HB 525	65	HB 115	116	HB 651
15	HB 363-L	66	HB 142-FN	117	SB 122
16	HB 399	67	HB 143	118	HB 44
17	HB 410	68	HB 144	119	HB 178
18	HB 441-FN	69	HB 148	120	HB 246
19	SB 15	70	HB 196	121	HB 284-FN
20	SB 112	71	HB 198	122	SB 36
21	SB 127-FN	72	HB 251	123	SB 96
22	HB 288-FN-L	73	HB 274-FN	124	SB 107
23	SB 18	74	HB 277-FN	125	SB 147-FN
24	SB 25	75	HB 331-FN	126	SB 180
25	SB 29	76	HB 386	127	HB 132
26	SB 31	77	HB 444-FN	128	HB 262-FN
27	SB 43	78	HB 503	129	HB 317
28	SB 60	79	HB 549	130	HB 339-FN-A
29	SB 85	80	HB 558	131	SB 81-FN
30	SB 140-FN	81	HB 571-FN	132	HB 30
31	SB 174	82	SB 62	133	HB 31
32	HB 27	83	SB 66	134	HB 47
33	HB 46	84	SB 102	135	HB 149
34	HB 63	85	SB 104	136	HB 397
35	HB 69	86	SB 173	137	HB 419-FN
36	HB 79	87	HB 438-FN-A	138	HB 541
37	HB 80	88	HB 609-FN	139	HB 544
38	HB 88	89	HB 43	140	HB 647
39	HB 95	90	HB 55	141	SB 20
40	HB 106	91	HB 70	142	SB 32
41	HB 111	92	HB 86	143	SB 38
42	HB 112	93	HB 150	144	SB 47
43	HB 170	94	HB 155	145	SB 111
44	HB 172	95	HB 278	146	SB 121
45	HB 185-FN	96	HB 298	147	SB 128-FN-A
46	HB 206-FN	97	HB 358	148	SB 195
47	HB 229-FN-A	98	HB 401	149	HB 90
48	HB 289	99	HB 426	150	HB 258
49	HB 333-FN	100	HB 488-FN	151	HB 313
50	HB 336	101	HB 580-FN-L	152	HB 532-L
51	HB 364	102	HB 35-FN	153	HB 594

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 155 SB 179
 156 SB 54
 157 HB 295
 158 HB 461-FN
 159 HB 589
 160 HB 291
 161 HB 51
 162 HB 52
 163 HB 190
 164 HB 205-FN
 165 HB 276-FN
 166 HB 322
 167 HB 347
 168 HB 381
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 170 HB 398
 171 HB 468-FN
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 176 SB 30
 177 SB 34-FN
 178 SB 37
 179 SB 42
 180 SB 56-FN
 181 SB 58-FN-A
 182 SB 86
 183 SB 99
 184 SB 100
 185 SB 135-FN-A
 186 SB 139-FN
 187 SB 179
 188 HB 74
 189 HB 175
 190 HB 409
 191 HB 424
 192 HB 487-FN
 193 HB 505-FN

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194 HB 642-FN
 195 SB 21
 196 SB 65
 197 SB 116
 198 SB 156-FN-L
 199 SB 194
 200 HB 635-FN-A
 201 SB 170
 202 SB 157-FN
 203 HB 109
 204 HB 133
 205 HB 329
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 225 HB 187-FN-A
 226 HB 590
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 228 SB 82-FN
 229 SB 146-FN
 230 HB 462-FN
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 232 HB 489-FN
 233 HB 490-FN

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 236 SB 63
 237 SB 97
 238 SB 120
 239 SB 166
 240 SB 189
 241 SB 12-FN
 242 SB 33-FN
 243 SB 50
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 261 HB 605
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2011
HOUSE JOURNAL
NUMERICAL INDEX

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HB	House Bills
HCO	House Concurrent Order
HCR	House Concurrent Resolutions
HJR	House Joint Resolutions
HR	House Resolutions
PET	House Petitions
SB	Senate Bills
CACR	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately following this Numerical Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
Criminal Justice	referred to Criminal Justice and Public Safety committee
enr	enrolled
Exec Depts	referred to Executive Departments and Administration committee
Finance	referred to Finance committee
intro	introduced, introduction
K	killed (Inexpedient to Legislate)
LT	laid on the table
nonconc	nonconcurred
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar or from the table
rep	report
req	requests, requested
ret	retained
S	Senate
SO	special order
study	referred to interim study committee
vac	vacate
Ways and Means	referred to Ways and Means committee
wthd	withdrawn

**2011 SESSION
HOUSE BILLS**

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. (Weyler, Rock 8: Finance)
rules suspended 284, intro 310, SO 638, am (14RCs) 754-803, conflict of interest declaration 771, 795, debate limited (RC) 782-785, ruling of the Chair upheld (RC) 785-787, psd (RC) 803-806, 810, recon rej 806, protest 806-807, debate printed 807-810, nonconc S am, conf 1111, 1145, conferee change 1112, rep adop (RC) 1167-1170, remarks printed 1186, enr am 1213, enr 1215 (Chapter 223)

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Weyler, Rock 8: Finance)
rules suspended 284, intro 310, SO 638, am (8 RCs) 714-749, psd (RC) 749-751, 752, conflict of interest declaration 751, recon rej 751, motion to print debate rej 752, nonconc S am, conf 1111, 1145, rep adop (RC) 1170-1172, conflict of interest declaration 1172, remarks printed 1186-1187, enr am 1213-1214, enr 1215, committees amended 1326, committees appointed 1327-1328 (Chapter 224)

HBs 3 - 24 – *not introduced*.

HB 25-FN-A, making appropriations for capital improvements. (Chandler, Carr 1; et al: Public Works and Highways)
rules suspended 284, intro 309, am 671-683, psd 683, 752, nonconc S am, conf 1057, 1145, rep adop 1194, enr am 1217-1218, enr 1218 (Chapter 253)

HB 26-FN, clarifying the definition of gross misconduct for purposes of unemployment compensation. (Kappler, Rock 2; et al: Labor, Industrial and Rehabilitative Services)

new title: relative to the definition of gross misconduct for purposes of unemployment compensation.

2nd new title: relative to the definition of gross misconduct for purposes of unemployment compensation and relative to disqualification for unemployment benefits.

36, rem 312, am (2RCs) 617-622, motion to require Speaker to vote rej 622, psd (RC) 622-624, 628, nonconc S am, conf 973, 1053, rep adop 1194, enr am 1218, enr 1218 (Chapter 254)

HB 27, relative to de minimis impact work in designated rivers. (Kappler, Rock 2; et al: Resources, Recreation and Development)

new title: relative to the classification of rivers, de minimis impact work in designated rivers, and protected instream flows, and extending the time for septage and sludge land application restrictions.

36, am 360-361, psd 450, S conc 826, enr 870 (Chapter 32)

HB 28, establishing a committee to study driver's license suspensions. (Pantelakos, Rock 16; et al: Transportation)

36, K 94

HB 29, permitting a person to petition the superior court for any action pertaining to a pistol or revolver license. (Cunningham, Sull 2; et al: Criminal Justice and Public Safety)

36, K (RC) 292-295, rcmt 295, ret 1320

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. (Sad, Ches 2; et al: Environment and Agriculture)

new title: relative to qualifications for licensure by the board of veterinary medicine.

37, Executive Departments and Administration 89, psd 330, 449, conc S am 973, enr 1109 (Chapter 132)

HB 31, relative to insurance payments for ambulance services. (Umberger, Carr 1; et al: Commerce and Consumer Affairs)

new title: relative to insurance payments for ambulance services and relative to coverage for the cost of testing for bone marrow donation.

37, am 313, psd 449, conc S am 972, enr 1109 (Chapter 133)

HB 32, relative to statutory references to the choice and duties of town auditors. (Cooney, Graf 7; et al: Municipal and County Government)

37, psd 79, 81, S conc 812, enr 826 (Chapter 4)

- HB 33**, relative to the preservation and care of the Franconia Notch forest reservation and memorial park. (Swinford, Belk 5; et al: Resources, Recreation and Development)
new title: relative to the care of memorials in Franconia Notch state park.
37, am 361-362, psd 450, nonconc S am, conf 917, 1053, (no report filed) Clerk's note 1320
- HB 34-FN-L**, relative to the distribution of total education grants to municipalities in the 2012 and 2013 fiscal years. (K. Gould, Rock 5; et al: Education)
37, ret 1320
- HB 35-FN**, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract. (Chandler, Carr 1; et al: Resources, Recreation and Development)
37, am 92, psd 125, S conc 827, enr am 967-968, enr 969 (Chapter 102)
- HB 36-FN-L**, reducing the fee for copies of birth certificates. (Vaillancourt, Hills 15: Ways and Means)
37, psd 272, 283, S LT 827, 1325
- HB 37-FN-A**, reestablishing the initial monthly gross charge exemption to the communications services tax. (Vaillancourt, Hills 15: Ways and Means)
37, SO 165, LT rej (RC) 188-191, psd (RC) 191-193, ruling of the Chair upheld 193, LT (RC) 193-196
- HB 38**, relative to emergency use of public docks and piers. (Hikel, Hills 7: Municipal and County Government)
37, K 90
- HB 39**, relative to the adoption of the common core state standards in New Hampshire and relative to the substantive content of an adequate education. (Boehm, Hills 27: Education)
37, K 326
- HB 40**, relative to the number of children in a licensed foster family home. (C. Vita, Straf 3: Children and Family Law)
37, K 207
- HB 41**, designating purple as the official state color. (Doherty, Hills 27: Legislative Administration)
37, K 90
- HB 42**, relative to the appropriate officials with whom to file for a primary. (Doherty, Hills 27; et al: Election Law)
37, psd 88, 125, S LT 827, 1325
- HB 43**, relative to the adoption of forms under the administrative procedures act. (Pilotte, Hills 16; et al: Legislative Administration)
37, vac Executive Departments and Administration 79, psd 330, 449, S conc 968, enr 1013 (Chapter 89)
- HB 44**, designating segments of the Oyster River as a protected river. (Kappler, Rock 2; et al: Resources, Recreation and Development)
new title: designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.
37, am 215, psd 282, S conc 968, enr am 1014, enr 1054 (Chapter 118)
- HB 45**, relative to the Connecticut Lakes headwater citizens committee. (Chandler, Carr 1; et al: Resources, Recreation and Development)
37, psd 92, 125, S conc 812, enr 826 (Chapter 5)
- HB 46**, relative to the membership of the current use advisory board. (Owen, Merr 4: Environment and Agriculture)
37, am 330, psd 449, S conc 826, enr 870, committee amended 1326 (Chapter 33)
- HB 47**, relative to inactive license status for real estate brokers and salespersons. (Baroody, Hills 13: Commerce and Consumer Affairs)
new title: relative to inactive license status for real estate brokers and salespersons and the use of limited electronic media.
37, psd 139, 170, conc S am 972, enr 1109 (Chapter 134)

- HB 48**, relative to incompatibility of town offices. (Hoelzel, Rock 2: Municipal and County Government)
37, K 80
- HB 49-FN**, relative to toll-free use of the New Hampshire turnpike system by vehicles with purple heart license plates. (Weyler, Rock 8; et al: Public Works and Highways)
37, K 81
- HB 50** – *not introduced*.
- HB 51**, relative to screening panel members for screening panels for medical injury claims. (G. Richardson, Merr 4: Judiciary)
37, psd 89, 125, S conc 1110, enr 1147 (Chapter 161)
- HB 52**, relative to grounds for modification of parental rights and responsibilities. (Gargas, Hills 5; et al: Children and Family Law)
37, am 375-376, psd 450, conc S am 1056, enr 1147 (Chapter 162)
- HB 53**, requiring the inclusion of certain offenses against adults on the public sexual offender list. (Elliott, Rock 4; et al: Criminal Justice and Public Safety)
37, K 140
- HB 54**, relative to service in a qualifying war or conflict for purposes of the veterans property tax credit. (Elliott, Rock 4: Municipal and County Government)
37, K 142
- HB 55**, adding a member to the exotic aquatic weeds and species committee. (Drisko, Hills 5; et al: Resources, Recreation and Development)
37, psd 92, 125, conc S am 917, enr am 969, enr 1013, committee membership and duties amended 1326 (Chapter 90)
- HB 56**, relative to proper observance of September 11, 2001. (Renzullo, Hills 27; et al: State-Federal Relations and Veterans Affairs)
37, am 94, psd 125, S conc 873, enr 967 (Chapter 61)
- HB 57**, establishing a committee to study the penalties for menace, nuisance, or vicious dogs. (Shurtleff, Merr 10: Criminal Justice and Public Safety)
38, K 286
- HB 58**, relative to inter-facility transfers of critical access hospital patients. (White, Graf 11: Health, Human Services and Elderly Affairs)
38, psd 455, 570, S conc 827, enr 967 (Chapter 62)
- HB 59**, establishing a committee to study modification of the education laws. (Sova, Graf 10: Education)
38, K 209
- HB 60-FN-L**, repealing the moratorium on school building aid projects. (Sova, Graf 10: Finance)
38, K 152
- HB 61**, relative to daylight saving time. (Horrigan, Straf 7: Commerce and Consumer Affairs)
38, psd 139, 170, S conc 970, enr 1013 (Chapter 103)
- HB 62**, relative to the definition of the New Hampshire building code. (Hawkins, Hills 18; et al: Executive Departments and Administration)
38, K 330
- HB 63**, extending the instream pilot program for one year. (Kappler, Rock 2; et al: Resources, Recreation and Development)
38, am 92, psd 125, S conc 826, enr 870, committee amended and report date extended 1326 (Chapter 34)
- HB 64-FN**, authorizing medal insignias on special number plates for veterans. (Shurtleff, Merr 10; et al: Transportation)
38, K 304
- HB 65**, relative to the advisory board on private investigative agencies and security services, and firearms proficiency for armed security guards, private investigators, and bail enforcement agents. (Ulery, Hills 27; et al: Criminal Justice and Public Safety)
38, rem 139, K 202

- HB 66**, relative to assessment of the land use change tax on cluster or condominium developments. (Drisko, Hills 5; et al: Municipal and County Government)
38, K 354
- HB 67**, expanding the duties of the school administrative unit oversight committee. (Drisko, Hills 5; et al: Education)
38, psd 87, 125, nonconc S am 1139
- HB 68**, establishing a committee to study reducing the rate of the interest and dividends tax for New Hampshire residents over 65 years of age. (C. Christensen, Hills 19; et al: Ways and Means)
38, K 145
- HB 69**, relative to the White Mountains community college academic center in Woodsville. (Ladd, Graf 5; et al: Education)
new title: relative to the community college system of New Hampshire academic centers.
38, am 87, psd 125, S conc 826, enr 870 (Chapter 35)
- HB 70**, relative to changes to town charters. (Katsakiores, Rock 5; et al: Municipal and County Government)
38, am 90, psd 125, conc S am 917, enr 1013 (Chapter 91)
- HB 71**, authorizing establishment of pharmaceutical drug take-back programs. (Nevins, Rock 15; et al: Health, Human Services and Elderly Affairs)
38, rcmt 103, psd 337, 450, conc S am 830, enr 967 (Chapter 63)
- HB 72-FN-A**, establishing a state aeronautical fund. (Nevins, Rock 15; et al: Ways and Means)
38, psd 217, 283, S Com 969, 1324
- HB 73**, establishing a process for recall of United States Senators from New Hampshire. (Itse, Rock 9; et al: Election Law)
38, K 88
- HB 74**, relative to the ticketing and season passes at Cannon Mountain. (Taylor, Graf 2; et al: Resources, Recreation and Development)
38, am 93, psd 125, S conc 1054, enr 1144 (Chapter 188)
- HB 75**, establishing a commission to study bed bugs in New Hampshire. (Long, Hills 10: Health, Human Services and Elderly Affairs)
38, K 337
- HB 76**, authorizing the division of emergency services and communications to levy administrative fines on carriers that repeatedly overwrite the enhanced 911 database. (Pastor, Graf 9; et al: Science, Technology and Energy)
38, K 94
- HB 77**, relative to amendments to warrant articles. (Hoelzel, Rock 2; et al: Municipal and County Government)
38, am 80, psd 81, S conc 83, enr 83 (Chapter 1)
- HB 78**, relative to motor vehicle permit fee credits. (Elliott, Rock 4: Transportation)
38, K 94
- HB 79**, relative to certification of dogs for law enforcement work. (Welch, Rock 8; et al: Criminal Justice and Public Safety)
38, am 87, psd 125, S conc 826, enr 870 (Chapter 36)
- HB 80**, eliminating the rank of corporal in the division of state police. (Welch, Rock 8; et al: Criminal Justice and Public Safety)
new title: relative to ranks in the division of state police.
38, am 140-141, psd 170, S conc 826, enr 870 (Chapter 37)
- HB 81**, relative to public members of the guardian ad litem board. (Oligny, Rock 8; et al: Children and Family Law)
38, K 376
- HB 82**, relative to the annulment of criminal records. (Welch, Rock 8; et al: Criminal Justice and Public Safety)
38, psd 141, 170, conc S am 1130, enr 1149 (Chapter 219)

- HB 83**, relative to vessel registration. (Pilliod, Belk 5; et al: Transportation)
39, Ways and Means 144, K 713-714
- HB 84**, establishing a statutory commission on motor vehicle recycling issues. (P. Schmidt, Straf 4; et al: Environment and Agriculture)
39, am 149, K (RC) 150-152
- HB 85**, relative to the definition of “abutter” for notice of land use board hearings. (Powers, Rock 16; et al: Municipal and County Government)
39, K 104
- HB 86**, relative to filling a vacancy among county officers. (Tucker, Rock 17; et al: Municipal and County Government)
39, am 91, psd 125, S conc 827, enr am 968, enr 969 (Chapter 92)
- HB 87**, relative to disqualification of moderators. (J. Belanger, Hills 5; et al: Election Law)
39, rem 86, K 112
- HB 88**, relative to liquor enforcement and liquor licensing. (Kidder, Merr 1; et al: Executive Departments and Administration)
39, psd 79, 81, S conc 826, enr 870 (Chapter 38)
- HB 89**, requiring the attorney general to file lawsuits challenging the Patient Protection and Affordable Care Act and the United States Environmental Protection Agency’s cap and trade program. (Weyler, Rock 8; et al: State-Federal Relations and Veterans Affairs)
new title: requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.
39, am & Constitutional Review and Statutory Recodification (RC) 105-108, conflict of interest declaration 108, psd (RC) 385-389, 451, S LT 969, 1325
- HB 90**, relative to enforcement of the requirement of boaters to have a safe boater education certificate. (Bolster, Belk 5; et al: Transportation)
39, am 304-305, psd 309, conc S am 974, enr 1109 (Chapter 149)
- HB 91**, relative to the reporting by state agencies with capital budget projects to the capital budget overview committee. (Bouchard, Merr 11; et al: Public Works and Highways)
39, am 80, psd 81, S conc 812, enr 826, committee amended 1326 (Chapter 6)
- HB 92**, relative to expiration of licenses issued by the board of foresters. (Hawkins, Hills 18: Executive Departments and Administration)
39, psd 79, 81, S conc 827, enr 967 (Chapter 64)
- HB 93**, relative to medical documentation for a crossbow permit for a person with a disability. (Sanders, Rock 7; et al: Fish and Game and Marine Resources)
39, psd 89, 125, S conc 812, enr 826 (Chapter 7)
- HB 94**, relative to public access to advisory committee meetings under the right-to-know law. (Tholl, Coos 2; et al: Judiciary)
39, K 104
- HB 95**, permitting an insurer to operate a health maintenance organization as a line of business. (Hunt, Ches 7: Commerce and Consumer Affairs)
39, psd 86, 125, S conc 826, enr 870 (Chapter 39)
- HB 96**, relative to issuance of individual health insurance policies by health carriers. (Hunt, Ches 7: Commerce and Consumer Affairs)
39, ret 1320
- HB 97**, relative to operation of low-speed utility vehicles. (J. Belanger, Hills 5; et al: Transportation)
39, K 95
- HB 98**, relative to low-speed utility vehicles. (J. Belanger, Hills 5; et al: Transportation)
39, K 95
- HB 99**, relative to deeming voters reregistered for purposes of verification. (Winter, Merr 3: Election Law)
39, K 327
- HB 100** – not introduced.

- HB 101-FN-A**, relative to industrial hemp and establishing an industrial hemp special program fund. (Owen, Merr 4; et al: Environment and Agriculture)
39, K (RC) 95-98
- HB 102**, establishing a committee to study merging the insurance department, banking department, and securities division of the office of the secretary of state. (Marshall Quandt, Rock 13; et al: Commerce and Consumer Affairs)
new title: establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.
39, am 313-314 psd 449, S Com 969, 1324
- HB 103**, requiring law enforcement agencies to take proper care of firearms seized pursuant to a domestic violence order for relief. (Reilly, Graf 8; et al: Criminal Justice and Public Safety)
39, K 141
- HB 104**, relative to the date for the state primary election. (Horrigan, Straf 7: Election Law)
39, K 88
- HB 105**, relative to the required number of instructional days and instructional hours in a school district's calendar. (Ladd, Graf 5; et al: Education)
39, K 287
- HB 106**, relative to filing for town offices. (Hawkins, Hills 18; et al: Election Law)
39, am 287, psd 309, S conc 826, enr 870 (Chapter 40)
- HB 107**, relative to the creation of express trusts for payment of claims for materials and services in building projects. (Hunt, Ches 7: Commerce and Consumer Affairs)
39, K 139
- HB 108**, authorizing the town of Hampton to appoint a tree warden. (Sheffert, Rock 15; et al: Municipal and County Government)
39, ret 1320
- HB 109**, relative to residential fire sprinklers. (Hunt, Ches 7: Municipal and County Government)
39, rem 139, rcmt 202, am 515-516, psd 571, conc S am 1021, enr 1144, veto overridden (RC) 1176-1179, S overrode veto 1208 (Chapter 203)
- HB 110**, requiring professional safety and security services personnel to report certain criminal offenses. (Ladd, Graf 5; et al: Criminal Justice and Public Safety)
39, am 148-149, psd 170, S Com 1110, 1324
- HB 111**, relative to redispensing unused drugs. (S. Keans, Straf 1; et al: Health, Human Services and Elderly Affairs)
39, psd 89, 125, S conc 826, enr 870 (Chapter 41)
- HB 112**, relative to the required number of instructional days and instructional hours in a school district's calendar. (Knox, Carr 4; et al: Education)
39, psd 88, 125, S conc 826, enr 870 (Chapter 42)
- HB 113**, prohibiting the university system of New Hampshire from using state appropriations to fund public television. (Vaillancourt, Hills 15: Finance)
new title: prohibiting the use of state funds for New Hampshire public television.
40, am 152, psd (RC) 153-155, 170, recon rej 161, S LT 971, 1325
- HB 114**, establishing a committee to study merging the state heritage collections committee and the joint legislative historical committee. (Wall, Straf 7: Legislative Administration)
new title: reinstating and expanding the duties of the joint legislative historical committee.
40, am 352-353, psd 450, S conc 970, enr 1013, committee reinstated and duties added 1327 (Chapter 104)
- HB 115**, relative to the temporary removal or transfer of prisoners from a county correctional facility. (Ulery, Hills 27; et al: Municipal and County Government)
40, am 142-143, psd 170, S conc 828, enr 967 (Chapter 65)
- HB 116**, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water. (B. Patten, Carr 4; et al: Transportation)
40, psd 95, 125, S conc 630, enr 826 (Chapter 8)

- HB 117**, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions. (Rhodes, Hills 22; et al: Transportation)
40, psd 95, 125, S conc 630, enr 826 (Chapter 9)
- HB 118**, relative to reporting a person as medically unfit to drive. (Rhodes, Hills 22; et al: Judiciary)
40, K 89
- HB 119**, relative to agency membership on the information technology council. (Townsend, Graf 10; et al: Executive Departments and Administration)
40, am 79, psd 81, nonconc S am 1133
- HB 120**, extending the public health services improvement council. (DiPentima, Rock 16; et al: Health, Human Services and Elderly Affairs)
40, K 287-288
- HB 121**, establishing a committee to study eligibility for property tax exemptions for the permanently and totally disabled. (Jasper, Hills 27: Municipal and County Government)
40, ret 1320
- HB 122**, establishing a commission to study the effectiveness of the sex offender registry. (MacKay, Merr 11; et al: Criminal Justice and Public Safety)
40, K 141
- HB 123**, prohibiting an electric utility from disconnecting service from a residence or building in which a person is using life-sustaining medical equipment. (S. Lindsey, Ches 3: Science, Technology and Energy)
40, ret 1321
- HB 124-FN**, allowing any person to request conviction information regarding public officials. (Ulery, Hills 27; et al: Criminal Justice and Public Safety)
40, rem 139, K 202
- HB 125-FN**, relative to lawful commerce in firearms, including manufacture and sale, in New Hampshire. (Itse, Rock 9; et al: Constitutional Review and Statutory Recodification)
49, Commerce and Consumer Affairs (RC) 145-148, ret 1321
- HB 126-FN**, prohibiting interference with access to medical services and health insurance of New Hampshire citizens. (Itse, Rock 9; et al: Commerce and Consumer Affairs)
49, ret 1321
- HB 127-FN**, relative to the definition of oral communication. (Baldasaro, Rock 3; et al: Criminal Justice and Public Safety)
49, ret 1321
- HB 128**, requiring tenants to execute a financial affidavit as part of the eviction process. (Drisko, Hills 5; et al: Judiciary)
49, K 213
- HB 129**, relative to the licensure of attorneys as real estate brokers by the real estate commission. (Watters, Straf 4; et al: Commerce and Consumer Affairs)
49, K 86
- HB 130**, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education. (Ladd, Graf 5; et al: Education)
new title: relative to accountability for the opportunity for an adequate education.
2nd new title: relative to accountability for the opportunity for an adequate education and relative to an exception for the election of school board members by the Concord school district.
49, rem 86, psd 111, 126, conc S am 1139, enr am 1214, enr 1217 (Chapter 255)
- HB 131**, relative to indemnification of volunteers performing duties in the state park system. (Bolster, Belk 5; et al: Resources, Recreation and Development)
49, am & Judiciary 93-94, am 632, psd 752, nonconc S am, conf 1022, 1146, rep adop 1194, enr 1217, committee report date extended 1326 (Chapter 256)
- HB 132**, adopting and implementing the United States flag code. (Blankenkaker, Merr 11; et al: State-Federal Relations and Veterans Affairs)
49, am 217, psd 283, conc S am 920, enr am 1014, enr 1054 (Chapter 127)

- HB 133**, relative to the minimum wage. (C. McGuire, Merr 8: Labor, Industrial and Rehabilitative Services)
49, psd (RC) 501-504, 571, S conc 1015, enr 1109, veto overridden (RC) 1179-1182, S overrode veto 1208 (Chapter 204)
- HB 134**, relative to eligibility for walking disability plates. (C. McGuire, Merr 8: Transportation)
49, am 366-367, psd 450, S nonconc 969
- HB 135**, relative to state employee reimbursement for use of a personal vehicle. (C. McGuire, Merr 8; et al: Legislative Administration)
49, K 289
- HB 136-FN**, repealing the uniform athlete agents act. (C. McGuire, Merr 8: Executive Departments and Administration)
50, psd (RC) 98-101, 125, S LT 827, nonconc S am 1139
- HB 137-FN-L**, relative to the state fire code and the state building code. (Hawkins, Hills 18; et al: Executive Departments and Administration)
50, ret 1321
- HB 138-FN**, relative to the cold case homicide unit. (Welch, Rock 8; et al: Criminal Justice and Public Safety)
50, ret 1321
- HB 139**, establishing a committee to study merging the New Hampshire turnpike system and the state highway system. (D. McGuire, Merr 8; et al: Public Works and Highways)
50, K 290
- HB 140-FN**, establishing an exemption from the civil filing fee surcharge. (Horrigan, Straf 7: Judiciary)
50, rem 86, K 112
- HB 141**, relative to the treatment of cable television as a protected utility service. (C. McGuire, Merr 8; et al: Judiciary)
new title: relative to protected utility services.
50, am 472, psd 570, conflict of interest declaration 472, nonconc S am, conf 1133, 1146, (no report filed) Clerk's note 1320
- HB 142-FN**, relative to sales of artificial flowers and miniature flags. (C. McGuire, Merr 8; et al: Commerce and Consumer Affairs)
51, psd 86, 125, S conc 826, enr am 873, enr 967 (Chapter 66)
- HB 143**, relative to the sale of stove polish. (C. McGuire, Merr 8: Commerce and Consumer Affairs)
51, am 87, psd 125, S conc 828, enr 967 (Chapter 67)
- HB 144**, repealing the authorization for energy efficiency and clean energy districts. (C. McGuire, Merr 8: Municipal and County Government)
new title: relative to energy efficiency and clean energy districts.
51, am 354-355, psd 450, S conc 828, enr 967 (Chapter 68)
- HB 145**, permitting the audio and video recording of any public official while in the course of his or her official duties. (Baldasaro, Rock 3; et al: Criminal Justice and Public Safety)
new title: permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.
51, am (RC) 389-392, psd 451, S Com 1110, 1324
- HB 146**, relative to the right of jury nullification. (L. Christiansen, Hills 27: Judiciary)
new title: relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.
51, rem 207, rcmt 281, am 340-341, psd 450, S Com 1111, 1324
- HB 147-FN**, making the commission of certain offenses punishable under the capital murder statute. (O'Brien, Hills 4; et al: Criminal Justice and Public Safety)
51, psd 392, 451, recon rej (RC) 491-493, motion to print debate rej (RC) 493-496, conc S am (RC) 1130-1133, enr 1149 (Chapter 222)

- HB 148**, relative to federal funding for motorcycle-only roadside checkpoints. (Holden, Hills 4; et al: Transportation)
51, psd 95, 125, S conc 828, enr 967 (Chapter 69)
- HB 149**, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers. (Kappler, Rock 2; et al: Resources, Recreation and Development)
new title: designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act.
51, am 362-363, psd 450, conc S am 973, enr 1109 (Chapter 135)
- HB 150**, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch. (Shurtleff, Merr 10: Executive Departments and Administration)
51, am 210, psd 282, S conc 968, enr 1013 (Chapter 93)
- HB 151**, relative to appointments and reappointments of marital masters. (Rowe, Hills 6; et al: Judiciary)
51, ret 1321
- HB 152**, relative to the definition of “party” for election purposes other than primary elections. (Comerford, Rock 9; et al: Election Law)
51, ret 1321
- HB 153**, relative to political organizations. (Comerford, Rock 9; et al: Election Law)
51, ret 1321
- HB 154-FN-A**, increasing the threshold amounts for taxation under the business enterprise tax. (Sapareto, Rock 5; et al: Ways and Means)
new title: increasing a threshold amount for taxation under the business enterprise tax.
52, am 272-273, psd (RC) 273-275, LT (RC) 275-277
- HB 155**, relative to permits to conduct raffles. (Ladd, Graf 5; et al: Municipal and County Government)
52, psd 104, 126, conc S am 917, enr 1013 (Chapter 94)
- HB 156-FN-A**, reducing the rates of the tobacco tax. (Weyler, Rock 8; et al: Ways and Means)
52, psd (RC) 589-591, 628, recon rej 592, S LT 874, 1325
- HB 157-FN-A**, repealing the tax on gambling winnings. (Hatch, Coos 3; et al: Ways and Means)
52, K 367-367
- HB 158**, relative to the misuse of social security numbers. (Renzullo, Hills 27; et al: Criminal Justice and Public Safety)
52, vac Judiciary 85, am 473, psd 570, S Com 1111, 1342
- HB 159**, relative to review of proposed administrative rules by legislative committees. (Renzullo, Hills 27; et al: Legislative Administration)
52, K 289
- HB 160**, requiring decisions and actions of the joint committee on legislative facilities to be ratified by the legislature. (Renzullo, Hills 27: Legislative Administration)
new title: relative to decisions and actions of the joint committee on legislative facilities.
2nd new title: relative to the powers of the joint committee on legislative facilities.
52, rem 284, am & Finance 308, am 638, psd (RC) 639-641, 752, S nonconc 970
- HB 161**, establishing standards for adequate service of process and establishing a commission to study service of process by laypersons. (Ulery, Hills 27: Judiciary)
52, K 89
- HB 162-FN**, relative to capital murder for purposely causing the death of another. (Greazzo, Hills 17: Criminal Justice and Public Safety)
52, ret 1321
- HB 163**, establishing the medical sharps advisory council on disposal of medical sharps. (Knox, Carr 4; et al: Health, Human Services and Elderly Affairs)
52, K 337

- HB 164**, requiring legislative approval for the adoption of the common core state standards in New Hampshire. (Ladd, Graf 5; et al: Education)
52, psd 209-210, 282, S LT 1318, 1325
- HB 165**, establishing a committee to study contract negotiations between health insurance companies and health care providers. (Marshall Quandt, Rock 13; et al: Commerce and Consumer Affairs)
52, ret 1321
- HB 166-FN-A-L**, reducing the rate of the meals and rooms tax. (Ahlgren, Carr 4; et al: Ways and Means)
52, SO 165, psd (RC) 196-199, conflict of interest declaration 201, LT (RC) 199-201
- HB 167**, naming the Enfield wildlife management area after former fish and game biologist Henry Laramie. (Chandler, Carr 1; et al: Fish and Game and Marine Resources)
52, psd 101, 126, remarks printed 101-103, S conc 812, enr 826 (Chapter 10)
- HB 168**, establishing a committee to study the juvenile delinquency and child in need of services statutes. (Dowling, Rock 5; et al: Children and Family Law)
52, psd 86, 125, S conc 968, enr 969, committee appointed 1328 (Chapter 105)
- HB 169**, relative to the regulation of wood stove, wood pellet, and fireplace dealers. (Scala, Carr 5; et al: Commerce and Consumer Affairs)
52, K 139
- HB 170**, conferring degree-granting authority to the Upper Valley Educators Institute. (F. Gould, Graf 11; et al: Education)
52, psd 210, 282, S conc 826, enr 870 (Chapter 43)
- HB 171**, relative to restrictions on liquor licenses. (Packard, Rock 3; et al: Commerce and Consumer Affairs)
52, ret 1321
- HB 172**, relative to transporting school children to school and school-supported activities. (L. Ober, Hills 27; et al: Education)
52, am 218, psd 218, 283, S conc 826, enr 870 (Chapter 44)
- HB 173**, relative to service of process on commercial tenants. (Jasper, Hills 27; et al: Judiciary)
52, psd 90, 125, conc S am 1133, enr 1149 (Chapter 208)
- HB 174**, relative to insurance coverage for court-ordered counseling in divorce proceedings. (A. Perkins, Rock 14; et al: Commerce and Consumer Affairs)
52, am 139-140, psd 170, S conc 970, enr 1013 (Chapter 106)
- HB 175**, relative to technical changes in life, accident, and health insurance. (Headd, Rock 3: Commerce and Consumer Affairs)
52, am 314, psd 449, conc S am 972, enr am 1112, enr 1147 (Chapter 189)
- HB 176**, relative to eligibility to vote. (Sorg, Graf 3: Election Law)
52, K (RC) 430-432
- HB 177**, relative to the probation and parole status of offenders in motor vehicle records. (Scala, Carr 5; et al: Criminal Justice and Public Safety)
52, K 141
- HB 178**, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. (Marshall Quandt, Rock 13; et al: Commerce and Consumer Affairs)
52, psd 380, 450, conc S am 973, enr 1054, committee appointed 1328 (Chapter 119)
- HB 179**, establishing a task force to study the formula for determining adequate education grants to school districts. (K. Hutchinson, Rock 3: Education)
52, ret 1321
- HB 180**, relative to criteria for registration as a lobbyist. (Watrous, Merr 12: Legislative Administration)
53, rem 86, K (RC) 112-115
- HB 181**, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters. (Watrous, Merr 12; et al: Municipal and County Government)
53, am 91, psd 125, S nonconc 969

- HB 182**, relative to the definition of a child in need of services. (Pitre, Straf 3: Children and Family Law)
53, K 86
- HB 183**, renaming Mount Clay in honor of Wonalancet. (S. Lindsey, Ches 3: Resources, Recreation and Development)
53, K 94
- HB 184**, establishing a committee to study implementing day care services at the state house. (S. Lindsey, Ches 3: Legislative Administration)
53, K 90
- HB 185-FN**, relative to determining bargaining units for purposes of public employee collective bargaining. (Daniels, Hills 6: Labor, Industrial and Rehabilitative Services)
53, am (RC) 155-158, recon 158, psd (RC)158-161, 170, recon rej 161, S conc 826, enr 870 (Chapter 45)
- HB 186-FN**, relative to restrictions on political communications. (Bates, Rock 4; et al: Election Law)
new title: relative to the definition of political communication.
53, am 432-433, psd 451, S Com 827, 1324
- HB 187-FN-A**, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. (Sapareto, Rock 5; et al: Ways and Means)
53, psd (RC) 278-280, 283, S LT 1016, conc S am (RC) 1134-1136, enr 1149 (Chapter 225)
- HB 188**, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control. (Bouchard, Merr 11; Graham, Hills 18: Transportation)
53, am 144-145, psd 170, S conc 630, enr 826 (Chapter 11)
- HB 189**, relative to disclosure of certain hospital fees. (Fleck, Carr 5; et al: Health, Human Services and Elderly Affairs)
53, K 288
- HB 190**, relative to legislative study committees. (Harding, Graf 11; et al: Legislative Administration)
53, rcmt 104, am 353, psd 450, conc S am 1021, enr 1144 (Chapter 163)
- HB 191**, relative to the community mental health system. (Harding, Graf 11; et al: Health, Human Services and Elderly Affairs)
53, am 337-338, psd 450, conc S am 1083, enr am 1148, enr 1149 (Chapter 209)
- HB 192**, relative to commercial motor vehicle registration. (Rhodes, Hills 22; et al: Transportation)
53, psd 95, 125, S conc 630, enr 826 (Chapter 12)
- HB 193**, relative to the Mount Washington commission. (Hawkins, Hills 18; et al: Executive Departments and Administration)
53, ret 1321
- HB 194**, repealing the prohibition on having or carrying certain crossbow, rifles, or shotguns in vehicles. (Hoell, Merr 13; et al: Fish and Game and Marine Resources)
53, rcmt (RC) 301-303, ret 1321
- HB 195**, relative to special permits for transportation of deer. (D. Reed, Merr 2; et al: Fish and Game and Marine Resources)
53, psd 89, 125, S conc 812, enr 826 (Chapter 13)
- HB 196**, relative to the certificates of completion of a basic hunter education program or bow hunter education program. (D. Reed, Merr 2; et al: Fish and Game and Marine Resources)
53, psd 336, 450, S conc 828, enr 967 (Chapter 70)
- HB 197-L**, relative to processing absentee ballots. (Day, Hills 7: Election Law)
53, K 287
- HB 198**, relative to the investment options for county funds. (F. Rice, Rock 15; et al: Municipal and County Government)
53, psd 105, 126, S conc 873, enr 967 (Chapter 71)

- HB 199**, relative to proceedings of medical injury claims screening panels. (G. Richardson, Merr 4; et al: Judiciary)
53, ret 1321
- HB 201-FN-A**, establishing deductions from the tax on gambling winnings, the business profits tax, and the business enterprise tax for gambling losses. (Weyler, Rock 8; et al: Ways and Means)
54, K 368
- HB 202-FN**, relative to road salt applicators. (Moody, Rock 12; et al: Resources, Recreation and Development)
54, SO 165, K (RC) 176-178
- HB 203-FN**, relative to mandatory motor vehicle liability insurance. (Hoelzel, Rock 2; et al: Commerce and Consumer Affairs)
54, K 140
- HB 204-FN**, granting motor vehicles with special number plates for veterans toll-free use of the turnpike system. (Gandia, Hills 27: Public Works and Highways)
54, K 143
- HB 205-FN**, relative to notice to owners of upstream dams. (B. Patten, Carr 4; et al: Municipal and County Government)
54, am 355-356, psd 450, conc S am 1021, enr 1144 (Chapter 164)
- HB 206-FN**, establishing an apprentice hunting license. (D. Reed, Merr 2; et al: Fish and Game and Marine Resources)
54, am 454, psd 570, S conc 826, enr 870 (Chapter 46)
- HB 207-FN**, relative to physical force in defense of a person. (Pepino, Hills 11; et al: Criminal Justice and Public Safety)
54, K 392
- HB 208-FN-L**, providing additional per pupil funding for pupils in certain public schools. (Weber, Ches 2: Special Committee on Education Funding Reform)
54, K 252-253
- HB 209**, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts. (Cebrowski, Hills 18; et al: Ways and Means)
54, am 218, psd 283, S nonconc 969
- HB 210-FN**, relative to the use of deadly force to protect oneself. (Okerman, Rock 4; et al: Criminal Justice and Public Safety)
54, psd (RC) 392-395, 451, S Com 970, 1324
- HB 211**, relative to the review and approval of proposed agency rules under the administrative procedures act. (C. McGuire, Merr 8; et al: Executive Departments and Administration)
54, am 330-331, psd 449, S conc 970, enr 1013, committees amended 1326 (Chapter 107)
- HB 212**, relative to the definition of conflict of interest for executive branch officials and employees. (O'Brien, Hills 4; et al: Election Law)
55, ret 1321
- HB 213-FN-A**, reducing the rate of the business profits tax. (W. Smith, Rock 18; et al: Ways and Means)
55, am 592-593, psd (RC) 593-595, LT (RC) 595-597
- HB 214**, establishing a committee to study the state's participation in the federal Medicaid program. (Kurk, Hills 7; et al: Health, Human Services and Elderly Affairs)
55, K 338
- HB 215-FN-A**, establishing a credit for gambling losses against the tax on gambling winnings. (Foose, Merr 1; et al: Ways and Means)
55, K 145
- HB 216**, relative to the instructional authority of school boards. (Ladd, Graf 5; et al: Special Committee on Education Funding Reform)
55, am 216, psd 283, S conc 968, enr 1013 (Chapter 108)

- HB 217-FN**, including “unborn child” in the definition of “another” for the purpose of first and second degree murder, manslaughter, and negligent homicide. (Souza, Hills 11; et al: Criminal Justice and Public Safety)
55, ret 1321
- HB 218**, repealing the New Hampshire rail transit authority. (D. McGuire, Merr 8; et al: Transportation)
new title: relative to the New Hampshire rail transit authority.
55, psd (RC) 572-575, 628, conc S am 1077, enr 1147, veto sustained (RC) 1302-1305
- HB 219**, establishing a committee to study the abolishment of the department of education. (Sova, Graf 10; et al: Education)
55, ret 1321
- HB 220-FN**, relative to the approval of plans and specifications for the construction of school buildings. (Berube, Straf 2: Education)
55, K 326
- HB 221**, establishing a procedure for leasing state parks. (Bolster, Belk 5; et al: Resources, Recreation and Development)
55, ret 1321
- HB 222**, relative to administrative rules which contain a fee increase, allowing political subdivisions to object to a proposed rule, and eliminating certain statutory provisions granting general rulemaking authority. (Lambert, Hills 27; et al: Executive Departments and Administration)
55, rem 207, rcmt 280-281, ret 1321
- HB 223-FN**, eliminating election day voter registration. (Sorg, Graf 3: Election Law)
55, K 327
- HB 224-FN**, establishing an independent legislative redistricting commission. (Pierce, Graf 9: Special Committee on Redistricting)
55, K 563
- HB 225-FN**, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. (Giuda, Merr 7; et al: Criminal Justice and Public Safety)
55, rem 284, rcmt 305, am 395, psd (RC) 395-398, 451, S Com 970, 1324
- HB 226-FN-L**, relative to identification of certain publicly owned vehicles. (Bulis, Graf 1; et al: Municipal and County Government)
55, K 143
- HB 227-FN**, relative to the membership of the retirement system board of trustees. (Hawkins, Hills 18; et al: Special Committee on Public Employee Pensions Reform)
56, ret 1321
- HB 228-FN**, prohibiting the department of health and human services from entering into a contract with Planned Parenthood Federation of America, Inc. or any organization that provides abortion services and prohibiting the use of public funds or insurance for abortion services. (Willette, Hills 6; et al: Health, Human Services and Elderly Affairs)
56, ret 1321
- HB 229-FN-A**, repealing the tax on gambling winnings. (C. Christensen, Hills 19; et al: Ways and Means)
56, am 597-598, psd 628, S conc 826, enr 870 (Chapter 47)
- HB 230**, exempting the repair of certain structures from compensatory mitigation requirements. (Hunt, Ches 7: Resources, Recreation and Development)
56, SO 165, psd 179, 202, S nonconc 828
- HB 231-FN**, relative to payment of state retiree medical benefits for spouses and dependents. (Kurk, Hills 7: Special Committee on Public Employee Pensions Reform)
new title: relative to payment of medical benefits for state retirees, their spouses, and dependents.
56, rcmt 256-257, conflict of interest declaration 257, am 549-551, psd (RC) 551-553, 571, conflict of interest declaration 553, motion to print debate rej 553, recon rej 553, S nonconc 827

- HB 232-FN**, relative to abandoned homes in manufactured housing parks. (McConkey, Carr 3: Municipal and County Government)
56, ret 1321
- HB 233**, restricting judicial review of state education trust fund distributions. (W. Smith, Rock 18; et al: Special Committee on Education Funding Reform)
56, ret 1321
- HB 234-FN-A**, relative to food service licensure. (DiPentima, Rock 16; et al: Commerce and Consumer Affairs)
56, ret 1321
- HB 235**, relative to the right to possess a firearm in one's personal motor vehicle. (Hopper, Hills 7; et al: Criminal Justice and Public Safety)
56, K 398
- HB 236**, relative to workers' compensation for illegal aliens. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services)
56, ret 1321
- HB 237**, relative to federal mandated health insurance benefits. (L. Christiansen, Hills 27: Commerce and Consumer Affairs)
56, K 314
- HB 238-FN-A**, relative to the assessment of the education tax by towns and cities. (Hatch, Coos 3; et al: Special Committee on Education Funding Reform)
56, K (RC) 253-256
- HB 239**, prohibiting a state agency from establishing a fee without legislative approval. (Ulery, Hills 27; et al: Executive Departments and Administration)
56, K 210
- HB 240**, allowing voters to vote for multiple candidates for an office. (D. McGuire, Merr 8; et al: Election Law)
56, rcmt rej (RC) 295-298, K (RC) 298-300
- HB 241**, relative to insurance coverage. (D. McGuire, Merr 8; et al: Commerce and Consumer Affairs)
56, ret 1321
- HB 242-FN-A**, increasing the net operating loss carryover under the business profits tax. (Seidel, Hills 20; et al: Ways and Means)
56, ret 1321
- HB 243**, enabling towns and cities to establish a local revenue option as an alternative to property taxation for the funding of local government costs. (Weed, Ches 3; et al: Ways and Means)
56, K 368
- HB 244**, restricting the collection of biometric data by state agencies and private entities. (Kurk, Hills 7; et al: Commerce and Consumer Affairs)
56, ret 1321
- HB 245**, establishing a committee to study election of the attorney general by the legislature. (Marshall Quandt, Rock 13; et al: Executive Departments and Administration)
56, K 210-211
- HB 246**, relative to prearranged funeral contracts or burial plans. (Rosenwald, Hills 22; et al: Commerce and Consumer Affairs)
57, am 314-315, psd 449, S conc 968, enr am 1014, enr 1054 (Chapter 120)
- HB 247**, relative to seller financing of mortgages and making changes to the laws regulating mortgage bankers and brokers and debt adjustment services. (White, Graf 11; et al: Commerce and Consumer Affairs)
57, ret 1321
- HB 248**, establishing a commission to study business regulations in New Hampshire. (Mirski, Graf 10; et al: Commerce and Consumer Affairs)
57, am 315-316, psd 449, nonconc S am, conf 1057, 1146, rep adop 1194, enr am 1217, enr 1218, committee appointed 1330-1331 (Chapter 263)

- HB 249-L**, relative to procedures for property revaluations. (K. Souza, Hills 11; et al: Municipal and County Government)
57, SO 165, K 175
- HB 250**, establishing a committee to study the duties and responsibilities of fire wardens. (Mirski, Graf 10: Municipal and County Government)
57, ret 1321
- HB 251**, relative to absentee ballots. (Fields, Belk 2: Election Law)
57, psd 328, 449, S conc 873, enr 967 (Chapter 72)
- HB 252-L**, repealing provisions regarding applications for hawkers' and peddlers' licenses. (Mirski, Graf 10; et al: Executive Departments and Administration)
57, K 211
- HB 253**, establishing a committee to determine the value of professional licensing and disciplinary practices in New Hampshire. (Mirski, Graf 10: Executive Departments and Administration)
57, K 211
- HB 254**, relative to offers of judgments. (B. Murphy, Rock 18; et al: Judiciary)
57, am 473-474, motion to suspend rules rej 474, psd 570, S nonconc 1055
- HB 255**, requiring consumer protection for prepaid services. (L. Christiansen, Hills 27: Commerce and Consumer Affairs)
57, K 316
- HB 256-FN**, relative to the administrative appeals process of the department of environmental services. (Sorg, Graf 3: Resources, Recreation and Development)
57, ret 1321
- HB 257**, relative to removal of political advertising. (Bates, Rock 4: Election Law)
57, psd 328, 449, S nonconc 970
- HB 258**, eliminating certain unenforced election laws. (Bates, Rock 4: Election Law)
57, psd 328, 449, S conc 1015, enr 1109 (Chapter 150)
- HB 259**, requiring the supreme court to adopt rules of evidence for the judicial branch family division. (Sheffert, Rock 15: Judiciary)
57, psd 304, 309, S nonconc 1110
- HB 260**, relative to the state fire code and the appeal process for decisions of the state fire marshal. (Mirski, Graf 10: Executive Departments and Administration)
57, ret 1321
- HB 261-FN**, eliminating screening panels for medical injury claims. (C. McGuire, Merr 8; et al: Judiciary)
57, ret 1321
- HB 262-FN**, relative to beverage manufacturers. (Pratt, Hills 7; et al: Commerce and Consumer Affairs)
57, am 380-382, psd 451, S conc 828, enr am 1014-1015, enr 1054 (Chapter 128)
- HB 263-FN**, relative to the lifetime Medicaid limit. (Kurk, Hills 7: Commerce and Consumer Affairs)
57, ret 1321
- HB 264-FN**, relative to political contributions by state contractors and other recipients of state grants or appropriations. (Brunelle, Hills 10; et al: Election Law)
57, K 433
- HB 265-FN**, redefining earnable compensation in the retirement system for new and non-vested members in service. (Hawkins, Hills 18; et al: Special Committee on Public Employee Pensions Reform)
57, ret 1321
- HB 266-FN**, relative to the submission of plans for sewage and waste disposal systems. (Hunt, Ches 7: Resources, Recreation and Development)
57, K 143

- HB 267-FN**, permitting the adoption of slot machine gaming in a city or town. (Infantine, Hills 13; et al: Municipal and County Government)
57, SO 165, K 176
- HB 268-FN**, relative to the Merrimack tolls. (Graham, Hills 18; et al: Public Works and Highways)
58, ret 1321
- HB 269-FN**, establishing a priority based budget system focused on measurable results. (Bowers, Sull 3; et al: Finance)
58, ret 1321
- HB 270-FN-L**, relative to cost recovery for emergency services. (White, Graf 11: Municipal and County Government)
58, K 214
- HB 271-FN-A**, establishing number plates for firefighters and emergency medical care providers. (Jennifer Coffey, Merr 6; et al: Transportation)
58, K 367
- HB 272-FN**, requiring hearing aid dealers to post a surety bond. (Emerton, Hills 7; et al: Executive Departments and Administration)
58, K 211
- HB 273**, relative to public or private criticism of employers by employees. (Brunelle, Hills 10; et al: Labor, Industrial and Rehabilitative Services)
58, K 504
- HB 274-FN**, relative to voting procedures. (Fields, Belk 2: Election Law)
58, am 328, psd 449, S conc 873, enr 967 (Chapter 73)
- HB 275**, establishing an employers' private right of action to enforce the payment of workers' compensation coverage. (Weed, Ches 3; et al: Labor, Industrial and Rehabilitative Services)
58, K 504
- HB 276-FN**, relative to wine manufacturers. (S. Palmer, Hills 6; et al: Commerce and Consumer Affairs)
58, psd 382, 451, S conc 1110, enr 1147 (Chapter 165)
- HB 277-FN**, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund. (Bouchard, Merr 11; et al: Ways and Means)
58, psd 598, 628, S conc 873, enr 967 (Chapter 74)
- HB 278**, setting the natural high water mark of Ossipee Lake. (McConkey, Carr 3; et al: Resources, Recreation and Development)
58, am 215, psd 282, conc S am 917, enr 1013 (Chapter 95)
- HB 279**, relative to gifts, grants, or donations received by the governor's commission on disability. (Bergevin, Hills 17: Executive Departments and Administration)
58, K 211
- HB 280**, relative to interest rate terms in contracts for providing credit to consumers. (Pitre, Straf 3; et al: Commerce and Consumer Affairs)
58, K 316
- HB 281**, relative to protective custody of intoxicated or incapacitated individuals under 18 years of age. (Dowling, Rock 5; et al: Children and Family Law)
58, K 207
- HB 282-FN**, relative to spitting or urinating in an emergency vehicle. (Scala, Carr 5; et al: Criminal Justice and Public Safety)
58, K 286
- HB 283-FN**, relative to impaired drivers. (Almy, Graf 11; et al: Criminal Justice and Public Safety)
58, ret 1321
- HB 284-FN**, relative to contact lens prescriptions. (Case, Rock 1; et al: Health, Human Services and Elderly Affairs)
58, am 338-339, psd 450, S conc 968, enr am 1015, enr 1054 (Chapter 121)

- HB 285**, prohibiting smoking in motor vehicles when a passenger under the age of 16 is in the vehicle. (P. Schmidt, Straf 4; et al: Transportation)
58, K 217
- HB 286**, changing district court jurisdiction over the town of Weare. (G. Hopper, Hills 7; et al: Judiciary)
58, K 213
- HB 287-FN-A**, making an appropriation for funding disaster relief and hazard mitigation in response to the May 2006 Suncook River avulsion. (Giuda, Merr 7; et al: Finance)
58, vac Public Works and Highways 85, ret 1321
- HB 288-FN-L**, relative to payment for election services to unincorporated places. (Umberger, Carr 1; et al: Municipal and County Government)
new title: relative to payment for election services to unincorporated places.
58, psd 214, 282, S conc 812, enr am 826, enr 827 (Chapter 22)
- HB 289**, relative to procedures followed by funeral directors. (Headd, Rock 3: Health, Human Services and Elderly Affairs)
58, am 288, psd 309, S conc 826, enr 870 (Chapter 48)
- HB 290**, relative to staffing exceptions for small schools. (Ladd, Graf 5; et al: Education)
58, psd 327, 449, S nonconc 970
- HB 291**, relative to permissible fireworks. (L. Christiansen, Hills 27; et al: Commerce and Consumer Affairs)
58, am 317-318, psd 449, S conc 970, enr am 1054, enr 1111, committee title, members and duties amended 1326 (Chapter 160)
- HB 292-FN**, relative to securities regulation. (Gidge, Hills 24: Commerce and Consumer Affairs)
58, am & Criminal Justice and Public Safety 207-209, LT 636-637
- HB 293-FN**, relative to phasing out and repealing the exemption for water and air pollution control facilities from local property taxation. (B. Patten, Carr 4; et al: Municipal and County Government)
58, ret 1322
- HB 294**, relative to the distance from highways for the taking of moose. (Scala, Carr 5; et al: Fish and Game and Marine Resources)
58, ret 1322
- HB 295**, relative to the use of long-term antibiotics for the treatment of Lyme disease. (Daniels, Hills 6; et al: Health, Human Services and Elderly Affairs)
59, am 455, psd 570, conc S am 295, enr 1109 (Chapter 157)
- HB 296**, relative to procedures for juvenile delinquency petitions filed by a school district or school official. (Shaw, Hills 16: Education)
59, ret 1322
- HB 297**, allowing municipalities to establish municipal courts. (L. Perkins, Rock 14: Judiciary)
59, K 213
- HB 298**, requiring condominium management companies to make certain disclosures to the condominium board of directors. (Barooddy, Hills 13: Commerce and Consumer Affairs)
59, am 318, psd 449, S conc 968, enr 1013 (Chapter 96)
- HB 299-FN**, relative to the method of financing for the judicial retirement plan. (G. Richardson, Merr 4; et al: Special Committee on Public Employee Pensions Reform)
59, am 216, psd 283, nonconc S am, conf 974, 1053, rep adop 1194, enr 1217, committee amended 1326 (Chapter 257)
- HB 300** – not introduced.
- HB 301-FN**, amending the home education statutes. (Parison, Hills 3; et al: Education)
59, ret 1322
- HB 302-FN**, modifying the laws relative to renewable energy portfolios. (R. Barry, Hills 19; et al: Science, Technology and Energy)
59, K 144

- HB 303-FN**, relative to the regulation of planned unit developments. (K. Hutchinson, Rock 3: Municipal and County Government)
59, K 214
- HB 304**, requiring prisoners between 17 and 25 years of age to complete the requirements for a high school certificate or a GED prior to release on probation or parole. (Gile, Merr 10; et al: Criminal Justice and Public Safety)
59, K 286
- HB 305**, relative to the homestead right. (Sorg, Graf 3: Judiciary)
59, psd 341, 450, S LT 1055, 1325
- HB 306**, relative to access to birth records. (Sorg, Graf 3: Health, Human Services and Elderly Affairs)
59, K 288
- HB 307**, relative to the authority of the superintendent of a county correctional facility. (P. Garrity, Hills 14; et al: Criminal Justice and Public Safety)
59, am 141, psd 170, S nonconc 1016
- HB 308**, relative to the authority of the superintendent of a county correctional facility to order the removal or transfer of prisoners. (P. Garrity, Hills 14; et al: Criminal Justice and Public Safety)
60, K 141
- HB 309-FN**, repealing certain insurance mandates. (Hunt, Ches 7: Commerce and Consumer Affairs)
60, ret 1322
- HB 310-FN**, relative to the use of open data formats and the adoption of a statewide policy regarding open government data standards. (Cohn, Merr 6; et al: Executive Departments and Administration)
60, ret 1322
- HB 311-FN**, relative to solar renewable energy. (Holden, Hills 4; et al: Science, Technology and Energy)
60, ret 1322
- HB 312-L**, relative to notice required for the fluoridation of drinking water. (L. Christiansen, Hills 27; et al: Health, Human Services and Elderly Affairs)
60, K 339
- HB 313**, requiring parental consent for court referral of a minor to a juvenile diversion program. (Soltani, Merr 8: Children and Family Law)
60, am 284-285, psd 309, S conc 970, enr am 1054, enr 1109 (Chapter 151)
- HB 314**, relative to judicially appointed officials. (Soltani, Merr 8: Judiciary)
60, K 474, motion to print debate rej 474
- HB 315**, relative to appointment of attorneys by judges, marital masters, and judicial officers. (Soltani, Merr 8: Judiciary)
60, ret 1322
- HB 316**, relative to due process requirements in property appraisals for property tax purposes. (Manuse, Rock 5; et al: Municipal and County Government)
new title: relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property.
2nd new title: relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property, and relative to the restoration of involuntary merger of lots or parcels.
60, am 516, psd 571, conc S am 1022, enr 1144 (Chapter 206)
- HB 317**, relative to fire warning devices and carbon monoxide detection devices in dwellings. (Gimas, Hills 12; et al: Commerce and Consumer Affairs)
60, am 318, psd 449, S conc 970, enr 1054 (Chapter 129)
- HB 318-FN-L**, reducing a school district's liability for special education costs. (Pitre, Straf 3: Education)
60, ret 1322

- HB 319**, relative to the use of clotheslines. (S. Lindsey, Ches 3: Municipal and County Government) 60, K 214
- HB 320**, requiring the construction of a clock tower as part of the Hampton seashell complex. (Sheffert, Rock 15: Finance) 60, K 212
- HB 321-FN**, relative to the classification of wetlands as contributing or noncontributing. (Mirski, Graf 10; et al: Resources, Recreation and Development) 60, ret 1322
- HB 322**, relative to occupancy fees charged by manufactured housing park owners. (Knox, Carr 4; et al: Commerce and Consumer Affairs) 60, psd 318-319, 449, conc S am 1057, enr 1147 (Chapter 166)
- HB 323**, establishing a commission to study and promote the long-term growth and efficient use of existing state highway rights-of-way. (Mirski, Graf 10: Public Works and Highways) 60, K 290
- HB 324**, relative to lawful commerce in goods and services sold, made, and retained in the state of New Hampshire. (Ingbretson, Graf 5: Commerce and Consumer Affairs) 60, ret 1322
- HB 325-FN**, relative to the purchase of ill animals from licensed animal vendors and inspections of animal vendor premises by the state veterinarian. (Sad, Ches 2: Environment and Agriculture) 60, ret 1322
- HB 326-FN-L**, eliminating the automatic continuation requirement for public employee collective bargaining agreements. (Hikel, Hills 7; et al: Labor, Industrial and Rehabilitative Services) 60, K 142
- HB 327-FN**, relative to health care choice. (Garcia, Rock 4; et al: Commerce and Consumer Affairs) 60, ret 1322
- HB 328**, relative to New Hampshire domestic liquor and wines. (Kappler, Rock 2; et al: Commerce and Consumer Affairs) 60, ret 1322
- HB 329-FN**, requiring parental notification before abortions may be performed on unemancipated minors. (K. Souza, Hills 11; et al: Judiciary) 60, am 474-476, psd (RC) 476-478, 570, recon rej 563, S conc 1055, enr 1144, veto overridden (RC) 1183-1186, print remarks 1187, 1209-1211, S overrode veto 1208 (Chapter 205)
- HB 330-FN**, relative to carrying firearms. (Jennifer Coffey, Merr 6; et al: Criminal Justice and Public Safety) 60, am (RC) 398-400, psd (RC) 401-403, 451, S Com 971, 1324
- HB 331-FN**, relative to posting agency expenditures on the state transparency website. (Bates, Rock 4; et al: Executive Departments and Administration) 61, am 436, psd 451, S conc 873, enr 967 (Chapter 75)
- HB 332-FN**, relative to an electronic controlled drug prescription monitoring program. (Rosenwald, Hills 22; et al: Executive Departments and Administration) 61, ret 1322
- HB 333-FN**, repealing certain provisions relating to the sale of oleomargarine. (C. McGuire, Merr 8; et al: Commerce and Consumer Affairs) 61, psd 382, 450, S conc 826, enr 870 (Chapter 49)
- HB 334**, relative to the state's authority to prohibit or regulate firearms, firearms components, ammunition, or firearms supplies. (Cunningham, Sull 2; et al: Criminal Justice and Public Safety) 61, ret 1322
- HB 335-FN-A**, establishing multi-use number plates. (Rhodes, Hills 22; et al: Transportation) 61, psd 575, 628, S LT 969, 1325
- HB 336**, designating segments of the Mascoma River as a protected river. (F. Gould, Graf 11; et al: Resources, Recreation and Development) 61, psd 215, 283, S conc 826, enr 870 (Chapter 50)

- HB 337-FN-L**, relative to the calculation and distribution of adequate education grants. (Hess, Merr 9; et al: Special Committee on Education Funding Reform)
new title: amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.
61, SO 544-549, am 580-586, psd (RC) 586-588, 628, recon rej 588, nonconc S am, conf 1057, 1146, conferee change 1147, 1148, rep adop (RC) 1194-1197, enr am 1218, enr 1218 (Chapter 258)
- HB 338**, allowing towns and cities to exempt farm buildings and structures from property taxation. (Ladd, Graf 5; et al: Municipal and County Government)
61, K 356
- HB 339-FN-A**, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor. (Harding, Graf 11; et al: Executive Departments and Administration)
61, am 331-333, psd 449, S conc 968, enr am 1015, enr 1054 (Chapter 130)
- HB 340-FN**, promoting parental choice in education and providing for an abatement from the education taxes for parents of children not enrolled in the public school system. (C. Vita, Straf 3; et al: Municipal and County Government)
61, K (RC) 517-519
- HB 341**, relative to local spending caps. (Vaillancourt, Hills 15; et al: Municipal and County Government)
61, am 519-520, psd (RC) 520-523, 571, S LT 1016, 1325
- HB 342**, relative to boat operation rules. (Hikel, Hills 7: Transportation)
61, ret 1322
- HB 343-FN**, establishing a permanent state defense force. (Itse, Rock 9; et al: Executive Departments and Administration)
61, LT (RC) 436-439
- HB 344-FN**, establishing a judicial performance review commission. (Rowe, Hills 6; et al: Judiciary)
61, ret 1322
- HB 345-FN**, relative to insurance payments for ambulance providers. (White, Graf 11: Commerce and Consumer Affairs)
61, K 319
- HB 346**, to incorporate the bar association of the state of New Hampshire. (L. Christiansen, Hills 27: Judiciary)
61, K 213
- HB 347**, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. (Kurk, Hills 7: Judiciary)
61, am 341, psd 450, conc S am 1021, enr 1144 (Chapter 167)
- HB 348-FN**, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. (Kurk, Hills 7; et al: Executive Departments and Administration)
new title: relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.
61, SO 440, am 452-453, psd 570, S LT 874, nonconc S am, conf 1133, 1146, conferee change 1148, rep adop (RC) 1197-1200, enr am 1218, enr 1218 (Chapter 259)
- HB 349-FN**, relative to alternative dispute resolution in civil cases. (Kurk, Hills 7: Judiciary)
61, K 342
- HB 350-FN**, updating laws relative to the fiscal committee of the general court. (Foose, Merr 1; et al: Legislative Administration)
61, rem 284, Executive Departments and Administration 308-309, ret 1322
- HB 351-FN**, relative to insurance reimbursement for doctors of naturopathic medicine. (Cebrowski, Hills 18; et al: Commerce and Consumer Affairs)
61, ret 1322

- HB 352**, relative to merger of lots or parcels. (Bates, Rock 4; et al: Municipal and County Government) 61, ret 1322
- HB 353-FN**, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness. (Elliott, Rock 4; et al: Health, Human Services and Elderly Affairs) 61, rem 207, SO 227, am & Finance 227, K 632
- HB 354**, relative to licensure requirements for retail vehicle dealers. (Pepino, Hills 11; et al: Transportation) 62, ret 1322
- HB 355**, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations. (Welch, Rock 8; et al: Executive Departments and Administration)
new title: enabling state and local fire and building officials to issue citations for violations of certain fire safety rules and licensing violations for gas fitters, electricians, and plumbers. 62, am 440-442, psd 451, conc S am 1133, enr 1149 (Chapter 210)
- HB 356-FN**, requiring valid photo identification to vote in person. (Drisko, Hills 5; et al: Election Law) 62, ret 1322
- HB 357-FN**, suspending the payment of travel expenses for legislators and staff. (Brunelle, Hills 10; et al: Legislative Administration) 62, ret 1322
- HB 358**, relative to the maintenance, repair, and preservation of burial grounds. (Watters, Straf 4; et al: Municipal and County Government) 62, am 356, psd 450, S conc 968, enr 1013 (Chapter 97)
- HB 359-FN**, prohibiting the use of certain information to underwrite insurance coverage. (Hatch, Coos 3; et al: Commerce and Consumer Affairs) 62, K 319
- HB 360-FN**, establishing a state defined contribution retirement plan for state and political subdivision members of the retirement system and establishing a committee to study the transition of current employees into the new plan and administration of the new plan. (D. McGuire, Merr 8; et al: Special Committee on Public Employee Pensions Reform) 62, K 365
- HB 361**, enabling counties to adopt semi-annual payment of county taxes by towns and cities. (Sterling, Ches 7; et al: Municipal and County Government) 62, K 523
- HB 362**, relative to binding arbitration in public labor relations disputes. (Weed, Ches 3; et al: Labor, Industrial and Rehabilitative Services) 62, K (RC) 505-507
- HB 363-L**, relative to Depot Street in the town of Andover. (Jennifer Coffey, Merr 6; et al: Public Works and Highways) 62, psd 143, 170, S conc 630, enr 826 (Chapter 15)
- HB 364**, relative to the membership of the state committee on aging. (Pilliod, Belk 5; et al: Executive Departments and Administration) 62, am 211-212, psd 282, S conc 826, enr 870, committee members and duties amended 1326 (Chapter 51)
- HB 365-FN-A**, establishing a commission to encourage broadband development and making an appropriation therefor. (Rappaport, Coos 1; et al: Science, Technology and Energy) 62, K (RC) 232-235
- HB 366**, relative to the jurisdiction of counties concerning retail electric supply. (Ladd, Graf 5; et al: Municipal and County Government) 62, K 356

- HB 367-L**, relative to the election of county commissioners in Carroll County. (Babson, Carr 3; et al: Municipal and County Government)
62, K 356-357
- HB 368-FN-L**, relative to workforce housing and the definition of community. (Flanagan, Hills 5; et al: Municipal and County Government)
62, psd (2RCs) 523-528, 571, recon rej 528, S nonconc 827
- HB 369-FN**, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. (Howard, Sull 2; et al: Education)
62, psd 415, 451, S LT 827, 1325
- HB 370**, making changes to the pupil safety and violence prevention act. (Boehm, Hills 27; et al: Education)
62, am 415-416, psd (RC) 416-419, 451, S nonconc 969
- HB 371-FN-A**, relative to capital appropriations to the liquor commission for facilities on Interstate Route 93 in Hooksett and improvements to existing stores. (Hunt, Ches 7: Public Works and Highways)
62, ret 1322
- HB 372**, adding cigar blunt wraps to the definition of drug paraphernalia in the controlled drug act. (D. Sullivan, Hills 8; et al: Criminal Justice and Public Safety)
62, K 286
- HB 373**, proclaiming June 3 each year in dedication of the sermon by Reverend Samuel McClintock on the commencement of the New Hampshire constitution and relative to the observance of Federal Constitution Days. (Bergevin, Hills 17; et al: Executive Departments and Administration)
62, K (RC) 224-227
- HB 374**, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. (Campbell, Hills 24; et al: Commerce and Consumer Affairs)
62, vac Science, Technology and Energy 85, psd (RC) 533-536, 571, S nonconc 969
- HB 375**, relative to immunity for school personnel using necessary force to protect pupils. (D. McGuire, Merr 8; et al: Judiciary)
new title: relative to immunity for school personnel using reasonable force to protect pupils.
2nd new title: relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.
62, rem 207, am & Education 282, am 637-638, psd 752, nonconc S am, conf 1137, 1146, (no report filed) Clerk's note 1320
- HB 376**, relative to representative voting on joint boards of school administrative units. (Pitre, Straf 3; et al: Education)
62, K 327
- HB 377-FN**, requiring daily physical education for public school pupils. (Cox, Merr 6: Education)
62, K 327
- HB 378-FN**, inserting an exception to the criminal threatening statute. (B. Patten, Carr 4; et al: Criminal Justice and Public Safety)
new title: inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of "non-deadly" force.
63, am 403-404, psd (RC) 404-407, 451, S Com 971, 1324
- HB 379**, relative to late fees charged by utilities. (Flanagan, Hills 5: Commerce and Consumer Affairs)
63, vac Science, Technology and Energy 85, K 364
- HB 380**, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. (W. Smith, Rock 18; et al: Executive Departments and Administration)
63, psd 227-228, 283, nonconc S am, conf 973, 1054, rep adop 1200, enr 1217, veto sustained (RC) 1305-1308

- HB 381**, authorizing net metering for micro-combined heat and power systems. (Introne, Rock 3; et al: Science, Technology and Energy)
63, am 364, psd 450, conc S am 973, enr am 1111, enr 1147 (Chapter 168)
- HB 382**, allowing municipalities discretion to raise and appropriate funds for cemetery fences. (Seaworth, Merr 7; et al: Municipal and County Government)
new title: relative to the maintenance of municipal public cemeteries.
63, am 357, psd 450, S Com 1016, 1325
- HB 383**, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association. (Kurk, Hills 7: Executive Departments and Administration)
63, ret 1322
- HB 384**, prohibiting the office of energy and planning from requiring social security numbers from applicants of any program administered by the office, except when required under federal law or regulation. (Kurk, Hills 7: Executive Departments and Administration)
63, K 212
- HB 385-FN**, relative to the applicability of licensure requirements for mortgage bankers and brokers. (Drisko, Hills 5; et al: Commerce and Consumer Affairs)
63, K 319
- HB 386**, adding Granite State college to the university system of New Hampshire corporate charter and adding a student trustee from Granite State college to the university system board of trustees. (St. Cyr, Belk 5; et al: Education)
63, psd 327, 449, S conc 828, enr 967 (Chapter 76)
- HB 387**, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system. (R. Read, Rock 16; et al: Science, Technology and Energy)
63, am 536, psd (RC) 536-539, 571, conflict of interest declaration 539, S Com 969, 1325
- HB 388-FN**, requiring providers of prepaid wireless services and voice over Internet protocol services to pay surcharges for deposit in the enhanced 911 system fund. (Townsend, Graf 10; et al: Science, Technology and Energy)
63, ret 1322
- HB 389-FN-L**, relative to broadband infrastructure. (Pastor, Graf 9; et al: Science, Technology and Energy)
63, K (RC) 539-542, conflict of interest declaration 542
- HB 390**, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces. (Harding, Graf 11; et al: Executive Departments and Administration)
new title: relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women.
63, am 333-334, psd 449, conc S am 1139, enr am 1214, enr 1217, committees repealed and reinstated 1327 (Chapter 231)
- HB 391**, relative to an optional tax credit for service-connected disability. (B. Patten, Carr 4; et al: Municipal and County Government)
63, K 528-529
- HB 392**, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security. (Rhodes, Hills 22; et al: Executive Departments and Administration)
63, psd 212, 282, S conc 1055, enr 1144 (Chapter 169)
- HB 393**, repealing the authority for the establishment of certain revolving funds by towns. (Simard, Graf 8: Municipal and County Government)
63, K 357
- HB 394-FN**, relative to the regulation of oil heating technicians. (Harding, Graf 11; et al: Commerce and Consumer Affairs)
63, ret 1322
- HB 395**, establishing a child protection study committee. (Itse, Rock 9; et al: Children and Family Law)
63, K 376

- HB 396**, exempting the land and buildings of Masonic temples or building associations from property taxation. (Packard, Rock 3; et al: Municipal and County Government)
63, K 529
- HB 397**, relative to image display devices in motor vehicles. (Packard, Rock 3; et al: Transportation)
63, psd 367, 450, S LT 828, conc S am 974, enr 1109 (Chapter 136)
- HB 398**, relative to service animals. (Schlachman, Rock 13; et al: Commerce and Consumer Affairs)
63, am 319-321, psd 449, S conc 970, enr am 1054, enr 1144 (Chapter 170)
- HB 399**, relative to nonresident registration of motor vehicles. (Major, Rock 8: Transportation)
63, psd 217, 283, S conc 630, enr 826 (Chapter 16)
- HB 400** – *not introduced.*
- HB 401**, relative to postsecondary training for workers with disabilities. (Rosenwald, Hills 22; et al: Labor, Industrial and Rehabilitative Services)
63, am 352, psd 450, S conc 968, enr 1013 (Chapter 98)
- HB 402-L**, relative to the authority of the department of environmental services to determine whether outdoor wood-fired hydronic heaters violate air quality emission limits. (Cloutier, Sull 4; et al: Science, Technology and Energy)
64, K 364-365
- HB 403-L**, requiring a public hearing on certain school district warrant articles. (Pitre, Straf 3: Municipal and County Government)
64, K 529
- HB 404**, relative to toilets at campgrounds and exclusions for such requirements for certain parcels of land. (Cohn, Merr 6: Resources, Recreation and Development)
new title: relative to toilet facilities at recreational campgrounds or camping parks.
64, am 363, psd 450, S conc 826, enr 870 (Chapter 52)
- HB 405**, relative to dissolving corporations. (White, Graf 11: Commerce and Consumer Affairs)
64, psd 321, 449, S Com 874, 1325
- HB 406-L**, relative to the additional fee for the licensing and restraining of dogs. (Cooney, Graf 7: Municipal and County Government)
64, K 214
- HB 407**, establishing a committee to study the rising incidence of autism. (S. Keans, Straf 1; et al: Health, Human Services and Elderly Affairs)
64, K 339
- HB 408**, relative to residential mortgage loan transactions. (Sapienza, Rock 8; et al: Commerce and Consumer Affairs)
64, ret 1322
- HB 409**, relative to planning board members. (A. Perkins, Rock 14: Municipal and County Government)
64, am 529-531, psd 571, conc S am 1022, enr 1144 (Chapter 190)
- HB 410**, extending the reporting date of the committee to study dispatch times within the enhanced 911 system and requiring quarterly meetings of the committee. (Cali-Pitts, Rock 16; et al: Science, Technology and Energy)
64, psd 94, 125, S conc 812, enr 826, committee amended and report date extended 1326 (Chapter 17)
- HB 411**, relative to distributing campaign materials at the polling place. (Hikel, Hills 7: Election Law)
64, am 433-434, psd 451, S nonconc 969
- HB 412**, establishing a committee to study issues of judicial standing under federal and state law. (Huxley, Hills 3; et al: Judiciary)
64, K 342
- HB 413**, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees. (Harding, Graf 11; et al: Executive Departments and Administration)
64, psd 212, 282, S conc 970, enr 1013, committee duties amended 1326, 1327 (Chapter 109)

- HB 414-FN-A**, establishing an assessment on motor vehicle inspections to be deposited in the police standards and training council training fund. (Shurtleff, Merr 10; et al: Transportation) 64, SO 165, K (RC) 185-188
- HB 415**, relative to access to abuse and neglect investigation records pending a child custody dispute. (Ingbreton, Graf 5: Children and Family Law) 64, ret 1322
- HB 416**, adding an exemption from immunization for conscientious beliefs. (Lambert, Hills 27; et al: Children and Family Law) 64, K (RC) 376-376, recon rej 382
- HB 417-FN-A**, making an appropriation to the milk producers emergency relief fund. (Sad, Ches 2: Environment and Agriculture) 64, K (RC) 221-224
- HB 418-FN**, requiring state agencies to consider open source software when acquiring new software. (Cohn, Merr 6; et al: Executive Departments and Administration)
new title: relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards.
64, am 440-442, psd 451, S Com 969, 1325
- HB 419-FN**, relative to language in insurance certificates. (Infantine, Hills 13: Commerce and Consumer Affairs) 64, am 321-323, psd 449, conc S am 973, enr 1109 (Chapter 137)
- HB 420-FN**, relative to voluntary registration for independent contractors under workers' compensation law. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services) 64, ret 1322
- HB 421**, relative to candidates for United States senator. (Kingsbury, Belk 4; et al: Election Law) 64, rem 312, LT 607
- HB 422**, prohibiting vaccinations in public schools. (L. Jones, Straf 1; et al: Education) 64, K (RC) 419-421
- HB 423**, relative to including workplace harassment in the legislative ethics law. (Norelli, Rock 16; et al: Election Law) 64, K 434
- HB 424**, relative to surplus lines tax collection. (Headd, Rock 3: Commerce and Consumer Affairs) 64, am 323, psd 449, conc S am 973, enr 1144 (Chapter 191)
- HB 425-FN-A-L**, making an appropriation for the special education catastrophic aid program for the 2011 fiscal year. (K. Hutchinson, Rock 3: Finance) 64, K 453
- HB 426**, adding certain entities to the unused prescription drug program. (Case, Rock 1; et al: Health, Human Services and Elderly Affairs) 64, am 339-340, psd 450, S LT 828, S conc 873, enr am 969-970, enr 1013 (Chapter 99)
- HB 427-FN**, prohibiting political advertising on public property. (Watrous, Merr 12: Election Law) 64, K 328
- HB 428-FN**, relative to the procedures for detention and sanctions for default and breach of conditions of bail and recognizances. (P. Garrity, Hills 14; et al: Criminal Justice and Public Safety) 64, K 286
- HB 429**, permitting a child 16 years of age or older to withdraw from school with parental permission. (Parison, Hills 3; et al: Education) 65, psd (RC) 422-424, 451, S nonconc 1110
- HB 430**, establishing a committee to study the feasibility of establishing a state development bank in New Hampshire. (Marshall Quandt, Rock 13; et al: Commerce and Consumer Affairs) 65, ret 1322
- HB 431**, relative to psychiatric evaluations. (Bouchard, Merr 11: Judiciary) 65, am 342, psd 450, S conc 968, enr 1013 (Chapter 110)

- HB 432**, limiting traffic violation stops of women at night. (Ingbretson, Graf 5; et al: Criminal Justice and Public Safety)
65, K 286
- HB 433-FN-A**, relative to the exhumation and testing of victims of the so-called Connecticut River Killer and making an appropriation therefor. (S. Lindsey, Ches 3: Criminal Justice and Public Safety)
65, K 142
- HB 434**, relative to procedures for investigating law enforcement officers involved in critical incidents. (Reilly, Graf 8; et al: Criminal Justice and Public Safety)
65, K 326
- HB 435**, establishing a committee to study joint parenting decisions. (L. Christiansen, Hills 27: Children and Family Law)
65, K 312
- HB 436**, establishing a committee to study the guardian ad litem board. (L. Christiansen, Hills 27: Judiciary)
65, K 213
- HB 437-FN**, relative to the definition of marriage. (Bates, Rock 4; et al: Judiciary)
65, ret 1322
- HB 438-FN-A**, relative to funding of the Claremont, Colebrook, Milford, and Keene District Courts and establishing a committee to study the utilization of existing facilities to house courts leased by communities through the state. (Belvin, Hills 6; et al: Judiciary)
new title: relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.
65, Finance 228, am 641-642, psd 752, S conc 968, enr 969 (Chapter 87)
- HB 439-FN-L**, relative to claiming an invasive species as a habitat. (Drisko, Hills 5; et al: Resources, Recreation and Development)
65, psd 364, 450, S Com 827, 1325
- HB 440-FN**, requiring that New Hampshire join the lawsuit challenging federal health care reform legislation, and repealing the authority for state implementation of federal health care reform. (Vaillancourt, Hills 15; et al: State-Federal Relations and Veterans Affairs)
65, SO 165, Commerce and Consumer Affairs (RC) 179-182, ret 1322
- HB 441-FN**, relative to muffling devices on boats. (Hikel, Hills 7: Transportation)
65, am 305, psd 309, S conc 812, enr 826 (Chapter 18)
- HB 442-FN**, relative to the use of marijuana for medicinal purposes. (Merrick, Coos 2; et al: Health, Human Services and Elderly Affairs)
65, am 455-471, psd 570, S LT 971, 1325
- HB 443-FN**, establishing that marriage between one man and one woman shall be the only legal domestic union that shall be valid or recognized in this state. (Pepino, Hills 11; et al: Judiciary)
65, ret 1322
- HB 444-FN**, making John Stark Day a New Hampshire state holiday. (Rowe, Hills 6; et al: Executive Departments and Administration)
new title: relative to the commemoration of General John Stark Day.
65, am 442, psd 451, conc S am 830, enr 967 (Chapter 77)
- HB 445-FN**, relative to the regulation of electronic tracking devices. (Kurk, Hills 7; et al: Commerce and Consumer Affairs)
65, ret 1322
- HB 446-FN**, repealing the authority for regulation of certain professional occupations. (Bowers, Sull 3; et al: Executive Departments and Administration)
65, ret 1322
- HB 447-FN**, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers. (Sapareto, Rock 5; et al: Ways and Means)
65, ret 1322

- HB 448-FN**, relative to spice incense products. (Emerson, Ches 7; et al: Criminal Justice and Public Safety)
65, rem 284, rcmt (RC) 305-308, ret 1322
- HB 449-FN**, expanding the information available on the state transparency website. (Weyler, Rock 8; et al: Executive Departments and Administration)
65, ret 1322
- HB 450**, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics. (Bates, Rock 4; et al: Executive Departments and Administration)
65, am 443, psd 451, S nonconc 970
- HB 451-FN**, prohibiting the use of prerecorded political messages for political advocacy within 30 days prior to an election. (Elliott, Rock 4: Election Law)
new title: relative to prerecorded political messages.
65, am 328-329, psd 449, S LT 828, 1325
- HB 452-FN**, establishing the independent regulation of dental hygienists. (Cebrowski, Hills 18; et al: Executive Departments and Administration)
66, K 443
- HB 453-FN-L**, making persons fleeing to avoid prosecution or custody or violating parole or probation ineligible to receive certain disability aid. (Cebrowski, Hills 18; et al: Criminal Justice and Public Safety)
66, rem 312, K (RC) 605-607
- HB 454-FN-A**, establishing a job creation credit against the business profits tax and the business enterprise tax for small businesses increasing employment in New Hampshire. (Brunelle, Hills 10; et al: Ways and Means)
66, ret 1322
- HB 455-FN**, authorizing optional enhanced drivers' licenses and optional enhanced nondrivers' picture identification cards. (Bulis, Graf 1; et al: Transportation)
66, ret 1323
- HB 456-FN**, relative to the calculation of average final compensation for the purpose of determining retirement system benefits. (Sova, Graf 10: Special Committee on Public Employee Pensions Reform)
66, K 365
- HB 457-FN**, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. (Vaillancourt, Hills 15; et al: Municipal and County Government)
66, psd 532, 571, recon rej 532, conflict of interest declaration 532, S nonconc 827
- HB 458-FN-A**, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. (Mirski, Graf 10; et al: Executive Departments and Administration)
66, ret 1323
- HB 459-FN**, relative to placement of political advertising. (Bolster, Belk 5; et al: Election Law)
66, K 329
- HB 460-FN**, relative to the retirement age for group II members. (Hawkins, Hills 18; et al: Special Committee on Public Employee Pensions Reform)
66, ret 1323
- HB 461-FN**, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. (Hawkins, Hills 18; et al: Special Committee on Public Employee Pensions Reform)
66, psd (2RCs) 554-560, 571, recon rej 560, S conc 1015, enr 1109 (Chapter 158)
- HB 462-FN**, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. (Hawkins, Hills 18; et al: Special Committee on Public Employee Pensions Reform)
66, psd 560, 571, nonconc S am, conf 1111, 1146, rep adop 1200, enr 1217 (Chapter 230)

- HB 463-FN**, relative to the retirement system maximum initial benefit limitation. (Hawkins, Hills 18; et al: Special Committee on Public Employee Pensions Reform)
66, ret 1323
- HB 464-FN**, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. (Hawkins, Hills 18; et al: Special Committee on Public Employee Pensions Reform)
66, psd (RC) 560-563, 571, recon rej 563, conc S am 830, enr 967 (Chapter 60)
- HB 465-FN**, relative to the number of years for calculating average final compensation for retirement system benefits. (Hawkins, Hills 18; et al: Special Committee on Public Employee Pensions Reform)
66, ret 1323
- HB 466-FN**, eliminating the ballot law commission. (Vaillancourt, Hills 15: Election Law)
66, am 434-435, psd 451, S Com 969, 1325
- HB 467-FN**, relative to the procedure for school districts to determine if a child in the juvenile court system is a child with a disability. (Sytek, Rock 4: Education)
66, K 287
- HB 468-FN**, relative to assessments for aquatic resource compensatory mitigation. (Ahlgren, Carr 4: Resources, Recreation and Development)
66, am 229, Ways and Means (RC) 230-232, conflict of interest declaration 232, recon rej 261, am 714, psd 752, conflict of interest declaration 714, conc S am 1022, conflict of interest declaration 1022, enr 1144 (Chapter 171)
- HB 469-FN-A**, establishing a credit against the business enterprise tax for operators collecting meals and rooms taxes. (Ahlgren, Carr 4: Ways and Means)
66, K 218
- HB 470-FN**, repealing the comprehensive shoreland protection act. (Renzullo, Hills 27; et al: Resources, Recreation and Development)
66, ret 1323
- HB 471-FN**, relative to the discontinuance of certain tolls and authorizing the department of transportation to establish a toll plaza between exits 1 and 2 on the F.E. Everett turnpike. (C. Christensen, Hills 19; et al: Public Works and Highways)
66, K 290
- HB 472-FN**, relative to a certain E-Z Pass discount for Nashua toll plazas. (C. Christensen, Hills 19; et al: Public Works and Highways)
66, K 290
- HB 473-FN**, relative to fees added to the late payment of fees to bail commissioners. (Scala, Carr 5: Criminal Justice and Public Safety)
67, K 142
- HB 474-FN**, relative to freedom of choice on whether to join a labor union. (W. Smith, Rock 18; et al: Labor, Industrial and Rehabilitative Services)
new title: relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join the employee organization.
2nd new title: relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.
3rd new title: relative to freedom of choice on whether to join a labor union.
67, am 162, psd (RC) 162-165, 170, recon rej (RC) 167-170, conc S am (RC) 914-917, enr 967, ruling of the Chair upheld 1187-1190, remarks printed (RC) 1190-1194, veto sustained (RC) 1292-1295
- HB 475-FN**, relative to penalties under the consumer protection act. (Marshall Quandt, Rock 13; et al: Criminal Justice and Public Safety)
67, rcmt 295, ret 1323

- HB 476-FN**, establishing an independent board of psychologists. (Weyler, Rock 8; et al: Executive Departments and Administration)
67, ret 1323
- HB 477-FN**, relative to the classification of certain highways in the town of Farmington. (Pitre, Straf 3; et al: Public Works and Highways)
67, K 359
- HB 478-FN-L**, relative to testimony by video teleconference. (Umberger, Carr 1; et al: Criminal Justice and Public Safety)
67, psd 407, 451, conc S am 1133, enr 1149 (Chapter 220)
- HB 479-FN**, relative to receivership of nursing homes and other residential health care facilities. (Harding, Graf 11; et al: Health, Human Services and Elderly Affairs)
67, rem 207, am & Finance 281, psd 642, 752, S Com 971, 1325
- HB 480-FN**, establishing a state renovation, repair, and painting (RRP) rule program relative to lead-safe practices. (DiPentima, Rock 16; et al: Executive Departments and Administration)
67, ret 1323
- HB 481-FN**, relative to the definition of disability for aid to the permanently and totally disabled. (L. Ober, Hills 27; et al: Health, Human Services and Elderly Affairs)
67, K 213
- HB 482-FN-A-L**, relative to county reimbursements for nursing home services. (Bowers, Sull 3: Finance)
67, K 453
- HB 483-FN-L**, relative to mosquito control. (Copeland, Rock 13; et al: Municipal and County Government)
67, am 532-533, psd 571, nonconc S am, conf 973, 1054, rep adop 1200, enr 1217 (Chapter 260)
- HB 484-FN**, requiring random drug testing of food stamp program participants. (Summers, Hills 26; et al: Health, Human Services and Elderly Affairs)
67, rem 312, LT (RC) 608-610
- HB 485-FN**, relative to requiring photo identification for food stamp program participants. (Summers, Hills 26; et al: Health, Human Services and Elderly Affairs)
67, rem 312, LT (RC) 610-612
- HB 486-FN**, relative to penalties for alcohol ignition interlock circumvention. (Hinch, Hills 19; et al: Criminal Justice and Public Safety)
67, ret 1323
- HB 487-FN**, relative to election day registrants. (Jasper, Hills 27; et al: Election Law)
67, psd 329, 449, conc S am 1021, enr 1144 (Chapter 192)
- HB 488-FN**, relative to criminal records checks for employment with child day care agencies. (Day, Hills 7: Children and Family Law)
67, am 285, psd 309, S conc 969, enr 1013 (Chapter 100)
- HB 489-FN**, relative to health information exchange. (Millham, Belk 5; et al: Health, Human Services and Elderly Affairs)
new title: establishing a health information organization corporation.
67, rem 312, am 612-614, psd 628, conc S am 1133, enr am 1215, enr 1217, committee appointed 1330 (Chapter 232)
- HB 490-FN**, adopting the interstate compact for juveniles. (Dowling, Rock 5: Children and Family Law)
67, Finance 285, psd 642, 752, S conc 1110, enr am 1215, enr 1217 (Chapter 233)
- HB 491-FN**, relative to divestiture of retirement system assets relating to Sudan. (Hawkins, Hills 18; et al: Executive Departments and Administration)
67, am 334-335, psd 449, S conc 826, enr 870 (Chapter 53)
- HB 492-FN**, establishing a deferred retirement option in the judicial retirement plan, and relative to benefits related to service of certain judges of probate retiring because of permanent disability. (Wall, Straf 7; et al: Special Committee on Public Employee Pensions Reform)
67, K 366

- HB 493-FN**, relative to the certification of integrated residential communities. (Millham, Belk 5: Health, Human Services and Elderly Affairs)
67, ret 1323
- HB 494-FN**, relative to tipped employees who deal card and table games at games of chance venues. (Infantine, Hills 13: Labor, Industrial and Rehabilitative Services)
67, ret 1323
- HB 495-FN**, relative to the prevention of the use of pesticides on the grounds of child day care facilities, schools, and state parks. (Suzanne Smith, Graf 7; et al: Science, Technology and Energy)
67, vac Environment and Agriculture 85, K 435-436
- HB 496-FN**, relative to radiological monitoring in nuclear emergency planning zones. (Sheffert, Rock 15: Science, Technology and Energy)
67, rcmt rej (RC) 542-544, K 544
- HB 497-FN-L**, relative to the placement of crosswalks and a stop sign in the town of Rye. (Sheffert, Rock 15: Public Works and Highways)
68, K 290
- HB 498-FN**, relative to weed control along certain state routes. (Sheffert, Rock 15: Finance)
68, K 212
- HB 499-FN**, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation. (G. Richardson, Merr 4: Judiciary)
68, K 484
- HB 500** – *not introduced*.
- HB 501-FN-L**, requiring the teaching of cardiopulmonary resuscitation in public schools. (Spainhower, Straf 2; et al: Education)
68, K 327
- HB 502-FN**, relative to low-digit number plates. (Soltani, Merr 8: Transportation)
68, K 217
- HB 503**, allowing a master electrician to have 2 apprentice electricians under his or her supervision. (Infantine, Hills 13: Executive Departments and Administration)
68, am 335-336, psd 450, conflict of interest declaration 312, S conc 873, enr 967 (Chapter 78)
- HB 504-FN**, licensing reverse distributors of drugs and requiring manufacturers and wholesalers to report changes in ownership. (Case, Rock 1; et al: Commerce and Consumer Affairs)
new title: licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.
68, am 324, psd 449, S conc 969, enr 1013 (Chapter 111)
- HB 505-FN**, making charter schools eligible for grants for leased space. (Comerford, Rock 9; et al: Education)
68, psd 428, 451, conflict of interest declaration 428, S conc 1110, enr 1147 (Chapter 193)
- HB 506-FN**, relative to false allegations of child abuse. (Ingbretson, Graf 5; et al: Children and Family Law)
68, ret 1323
- HB 507-FN**, requiring the department of transportation to establish a storage depot for storing historic bridge parts. (S. Lindsey, Ches 3: Public Works and Highways)
68, K 359
- HB 508-FN**, establishing a performance measurement system for state agencies. (Moran, Hills 18; et al: Executive Departments and Administration)
68, am 335-336, psd 450, S Com 1055, 1325
- HB 509-FN**, relative to drinking water at temporary mass gatherings. (DiPentima, Rock 16; et al: Commerce and Consumer Affairs)
68, K 209
- HB 510**, requiring marital masters to be New Hampshire residents. (Rowe, Hills 6; et al: Judiciary)
68, psd 288, 309, S nonconc 1055

- HB 511**, relative to retired judges over 70 years of age. (Rowe, Hills 6; et al: Judiciary)
68, psd 288-289, 309, conc S am 1133, enr 1149 (Chapter 221)
- HB 512**, relative to education requirements for certification as a guardian ad litem. (Oligny, Rock 8; et al: Children and Family Law)
68, K 312
- HB 513-FN**, relative to end of life aid in dying for certain persons suffering from a terminal disease. (Weed, Ches 3; et al: Health, Human Services and Elderly Affairs)
68, vac Judiciary 85, K (RC) 484-487
- HB 514**, relative to entry on private land. (Weyler, Rock 8; et al: Judiciary)
68, ret 1323
- HB 515-FN**, relative to voter registration and relative to procedures for absentee voting. (J. Belanger, Hills 5; et al: Election Law)
68, ret 1323
- HB 516-FN-A**, establishing Red Sox number plates to benefit the Children's Hospital at Dartmouth. (Horrigan, Straf 7; et al: Transportation)
68, K 367
- HB 517-FN**, repealing provisions concerning licensure of fuel gas fitters. (Hunt, Ches 7: Executive Departments and Administration)
68, ret 1323
- HB 518-FN-A**, increasing the research and development tax credit and establishing a commission to assess the effectiveness of the credit. (Garcia, Rock 4: Ways and Means)
68, ret 1323
- HB 519-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. (R. Barry, Hills 19; et al: Science, Technology and Energy)
68, am 235-238, rcmt rej (RC) 238-240, Finance (RC) 240-243, recon rej 243, debate printed (RC) 243-252, psd (RC) 642-645, 752, nonconc S am, conf 1134, 1146, (no report filed) Clerk's note 1320
- HB 520-FN**, requiring certain bills to have performance standard notes. (Kurk, Hills 7; et al: Legislative Administration)
68, psd 353, 450, S Com 1055, 1325
- HB 521**, relative to meeting dates for county conventions. (B. Patten, Carr 4: Municipal and County Government)
68, psd 357, 450, S conc 970, enr 1013 (Chapter 112)
- HB 522-FN**, relative to elder abuse. (Katsakiores, Rock 5; et al: Judiciary)
68, K 342-343
- HB 523-FN**, making various changes to the fish and game laws. (Kreis, Merr 6; et al: Fish and Game and Marine Resources)
69, rules suspended 85, withdrawn 85
- HB 524-FN**, excluding persons convicted of violent crimes from mandatory early release on probation or parole. (Jennifer Coffey, Merr 6; et al: Criminal Justice and Public Safety)
new title: relative to the release of prisoners on probation or parole.
69, am 407-408, rcmt rej (RC) 408-410, psd (RC) 410-413, 451, recon 496, am 496-497, psd 571, nonconc S am 1013
- HB 525**, naming a bridge in the town of Merrimack in honor of Corporal Timothy Gibson, U.S.M.C. (Notter, Hills 19; et al: Public Works and Highways)
69, SO 291, am 291, psd 309, remarks printed 292, S conc 812, enr 826 (Chapter 14)
- HB 526-FN-L**, requiring the registration of persons convicted of animal abuse. (Blankenkober, Merr 11; et al: Criminal Justice and Public Safety)
69, K 286
- HB 527**, relative to tort reform. (McClarren, Hills 21: Judiciary)
69, ret 1323

- HB 528-FN-L**, requiring school districts to develop a facility maintenance and capital improvement program. (Ladd, Graf 5; et al: Education)
69, am 428-430, psd 451, S Com 969, 1325
- HB 529-FN**, relative to real property on which methamphetamine has been produced. (Nevins, Rock 15; et al: Judiciary)
69, K 289
- HB 530-FN**, relative to state regulation of the septic system installation process. (Groen, Straf 1: Municipal and County Government)
69, K 289-290
- HB 531**, relative to uniformed presence officers in highway work zones. (Groen, Straf 1; et al: Public Works and Highways)
69, K 359
- HB 532-L**, relative to municipal liability for dog bites. (Greazzo, Hills 17: Judiciary)
69, psd 487, 571, S conc 970, enr am 1054, enr 1109 (Chapter 152)
- HB 533-FN-L**, establishing a cap on the amount of school building aid grants distributed in each fiscal year. (Ladd, Graf 5; et al: Special Committee on Education Funding Reform)
69, ret 1323
- HB 534-FN-A**, relative to nonprofit reporting requirements with the division of charitable trusts, department of justice and making an appropriation therefor. (Munck, Straf 2: Judiciary)
69, K 214
- HB 535**, relative to the committee to study parole boards and parole board procedures. (Pantelakos, Rock 16; et al: Criminal Justice and Public Safety)
69, psd 286, 309, S conc 826, enr 870, committee appointed 1328 (Chapter 54)
- HB 536-FN**, relative to the natural right to carry a firearm, openly or concealed, without a license. (Hoell, Merr 13; et al: Criminal Justice and Public Safety)
69, ret 1323
- HB 537-FN**, reducing retirement allowances paid by the New Hampshire retirement system. (Reagan, Rock 1: Special Committee on Public Employee Pensions Reform)
69, K 216
- HB 538-FN**, establishing a reporting system for court decisions relative to the determination of parental rights and responsibilities and the appointment of guardians ad litem. (Oligny, Rock 8; et al: Judiciary)
69, K 228-229
- HB 539-FN**, repealing the state enforcement of OBD II requirements for motor vehicles. (Gionet, Graf 3; et al: Transportation)
69, K (RC) 270-272, suspend rules rej 301
- HB 540-FN**, relative to motor vehicle inspections. (K. Murphy, Hills 18; et al: Transportation)
69, psd (2RCs) 575-580, 628, recon rej 580, S nonconc 1055
- HB 541**, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits. (Emerton, Hills 7: Municipal and County Government)
70, am 357, psd 450, S conc 1016, enr 1109 (Chapter 138)
- HB 542-FN**, amending the school attendance statutes, amending the statute for suspension or expulsion of a pupil for possession of certain weapons, and repealing the rulemaking and reporting provisions of the Parents as Teachers program. (Hoell, Merr 13: Education)
new title: prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed.
2nd new title: relative to exceptions for objectionable material in public school courses.
70, am 424-425, psd (RC) 425-427, 451, S LT 827, nonconc S am, conf (RC) 1137-1139, 1146, rep adop (RC) 1200-1203, enr 1217, veto sustained (RC) 1295-1298, recon 1314-1315, veto overridden (RC) 1315-1317, S override veto 1318 (Chapter 271)
- HB 543-FN**, relative to biomass combined heat and electricity facilities. (Rappaport, Coos 1; et al: Science, Technology and Energy)
70, ret 1323

- HB 544**, relative to state authority over firearms and ammunition. (Jennifer Coffey, Merr 6; et al: Criminal Justice and Public Safety)
70, psd 326, 449, conc S am 973, enr 1109 (Chapter 139)
- HB 545**, repealing the department of education's rulemaking authority for home education programs. (Bates, Rock 4; et al: Education)
70, ret 1323
- HB 546**, relative to the use of hand-held cellular phones while driving. (Pantelakos, Rock 16; et al: Transportation)
70, K 588-589
- HB 547**, authorizing the establishment of milfoil remediation shoreland assessment districts by municipalities, and authorizing village districts for the purpose of eradication, remediation, or control of milfoil and other exotic aquatic plants. (Drisko, Hills 5; et al: Municipal and County Government)
70, rules suspended 79, withd 79
- HB 548**, relative to boater safety education and relative to the minimum age for operation of motorized vessels. (C. Christensen, Hills 19; et al: Transportation)
70, psd 367, 450, S nonconc 828
- HB 549**, relative to driver's license reexaminations. (Williams, Merr 11; et al: Transportation)
70, rem 312, psd 628, S conc 828, enr 967 (Chapter 79)
- HB 550-L**, relative to the payment of bills by municipalities. (Reagan, Rock 1: Municipal and County Government)
70, K 290
- HB 551**, relative to religious societies. (Itse, Rock 9; et al: Judiciary)
70, K 289
- HB 552**, establishing a committee to study repealing the revisions to the law implemented by SB 500-FN of the 2010 legislative session. (Pepino, Hills 11; et al: Criminal Justice and Public Safety)
70, rem 312, K 607
- HB 553**, relative to the law on wiretapping and eavesdropping. (Ulery, Hills 27: Criminal Justice and Public Safety)
70, ret 1323
- HB 554**, relative to mental health records. (Kurk, Hills 7: Health, Human Services and Elderly Affairs)
70, ret 1323
- HB 555**, relative to the designation of the Lower Exeter/Squamscott River as a protected river. (Kappler, Rock 2; et al: Resources, Recreation and Development)
70, psd 215-216, 283, S conc 969, enr 1013 (Chapter 113)
- HB 556**, relative to citizen complaints against police officers. (Sapareto, Rock 5; et al: Criminal Justice and Public Safety)
70, rem 284, K 303-304
- HB 557-FN-A**, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. (Sapareto, Rock 5; et al: Ways and Means)
70, am 598-599, psd (RC) 599-602, 628, recon rej 602, S LT 1016, 1325
- HB 558**, relative to exchanging Haseltine Street in Plaistow for a section of NH 121A from the intersection of Haseltine and Main Streets to the border with Haverhill, Massachusetts. (Major, Rock 8; et al: Public Works and Highways)
70, am 359-360, psd 450, S conc 828, enr 967 (Chapter 80)
- HB 559**, establishing a committee to study methods of encouraging the installation and use of small scale renewable energy resources by homeowners and businesses and authorizing the development of a solar photovoltaic renewable energy project in Manchester. (Baroody, Hills 13; et al: Science, Technology and Energy)
70, K 365

- HB 560**, increasing the minimum wage. (Brunelle, Hills 10; et al: Labor, Industrial and Rehabilitative Services)
70, K (RC) 507-510
- HB 561-FN**, prohibiting the state payment of the cost of wireless communications services for legislators and staff. (Brunelle, Hills 10; et al: Science, Technology and Energy)
71, vac Legislative Administration 206, K (RC) 513-515, conflict of interest declaration 515
- HB 562**, relative to overdraft fees charged by banks. (Brunelle, Hills 10; et al: Commerce and Consumer Affairs)
71, rem 311, K 602
- HB 563**, revising the child support guidelines based on foster care reimbursement rates. (Oligny, Rock 8; et al: Children and Family Law)
71, K 380
- HB 564**, relative to the adoption of forms by the department of revenue administration for the filing of taxes. (Jennifer Coffey, Merr 6; et al: Ways and Means)
71, ret 1323
- HB 565**, establishing a dental hygienists committee within the board of dental examiners. (P. Schmidt, Straf 4: Executive Departments and Administration)
71, am 443-444, psd 451, S conc 1110, enr 1147 (Chapter 172)
- HB 566**, relative to the identification of dental prosthetic appliances. (P. Schmidt, Straf 4: Commerce and Consumer Affairs)
71, K 324
- HB 567**, relative to physical force in defense of a person. (Mirski, Graf 10; et al: Criminal Justice and Public Safety)
71, K (RC) 413-415
- HB 568**, relative to smoking within certain areas of New Hampshire state parks and historic sites. (Bolster, Belk 5; et al: Resources, Recreation and Development)
71, ret 1323
- HB 569-FN**, establishing domestic union as a valid contract and extending certain rights to parties to a domestic union. (Bolster, Belk 5; et al: Judiciary)
71, rem 312, LT rej 614-615, K (RC) 615-617
- HB 570**, relative to licensure of guides by the fish and game department. (Watters, Straf 4; et al: Fish and Game and Marine Resources)
71, am 212-213, psd 282, S conc 826, enr 870 (Chapter 55)
- HB 571-FN**, relative to lobster and crab licenses issued by the fish and game department. (Watters, Straf 4; et al: Fish and Game and Marine Resources)
71, am 454-455, psd 570, S conc 826, enr am 873, enr 967 (Chapter 81)
- HB 572-FN**, relative to official oppression. (Itse, Rock 9; et al: Criminal Justice and Public Safety)
71, psd 295, 309, S nonconc 873
- HB 573**, relative to the administration of certain pain relief medications by a school nurse. (Notter, Hills 19; et al: Health, Human Services and Elderly Affairs)
71, rem 312, LT 614
- HB 574**, relative to the taking of private property during a state of emergency. (Notter, Hills 19; et al: Judiciary)
71, ret 1323
- HB 575**, relative to the calculation of child support in cases of shared parenting. (Gargas, Hills 5; et al: Children and Family Law)
71, K 380
- HB 576-FN**, relative to the right to brandish a firearm in defense of one's property. (Panek, Straf 3; et al: Criminal Justice and Public Safety)
71, K 326
- HB 577**, relative to the use of foreign languages by retail establishments. (Ulery, Hills 27; et al: Commerce and Consumer Affairs)
71, rem 311, LT (RC) 602-604

- HB 578**, relative to payment at time of medical services. (Garcia, Rock 4; et al: Commerce and Consumer Affairs)
71, ret 1323
- HB 579**, exempting department of revenue administration guidelines from the right-to-know law. (Kurk, Hills 7: Ways and Means)
new title: exempting department of revenue administration guidelines from the right-to-know law and relative to the position of revenue counsel.
72, psd 368, 450, conc S am 1022, enr 1144 (Chapter 173)
- HB 580-FN-L**, relative to the New Hampshire retirement system. (Kurk, Hills 7; et al: Special Committee on Public Employee Pensions Reform)
new title: relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.
2nd new title: establishing a committee to study collective bargaining by public employees.
72, rules suspended 311, am (2RCs) 686-708, LT rej (RC) 708-711, psd (RC) 711-713, 752, conc S am (RC) 917-920, enr 1013, committee appointed 1328 (Chapter 101)
- HB 581**, regulating guaranteed price plans and prepaid contracts for petroleum. (Marshall Quandt, Rock 13; et al: Commerce and Consumer Affairs)
72, ret 1323
- HB 582**, relative to communication between employers and employees during bargaining negotiations. (Burt, Hills 7; et al: Labor, Industrial and Rehabilitative Services)
72, ret 1323
- HB 583**, relative to including projected sea level rise in planning and implementation of state-funded projects. (Watters, Straf 4; et al: Public Works and Highways)
72, K 360
- HB 584**, authorizing coastal management provisions in master plans. (Watters, Straf 4; et al: Public Works and Highways)
72, vac Municipal and County Government 85, K 304
- HB 585**, proclaiming the third Friday in October as New Hampshire history day. (Watters, Straf 4; et al: Legislative Administration)
new title: proclaiming the third week of October as New Hampshire history week.
72, psd 142, 170, conc S am 1021, enr am 1112, enr 1147 (Chapter 174)
- HB 586**, establishing an interdepartmental public health and environmental coordinating committee. (DiPentima, Rock 16: Executive Departments and Administration)
72, K 336
- HB 587**, relative to grounds for divorce for persons with minor children. (G. Hopper, Hills 7; et al: Children and Family Law)
72, ret 1323
- HB 588**, relative to polling hours and location of polling places. (Pierce, Graf 9; et al: Election Law)
72, am 329, psd 449, S Com 1016, 1325
- HB 589**, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit. (W. Smith, Rock 18; et al: Labor, Industrial and Rehabilitative Services)
72, psd (RC) 510-513, 571, S conc 1016, enr 1109 (Chapter 159)
- HB 590**, declaring unconstitutional under the federal Constitution the offering of federal grants-in-aid relating to matters not included among the defined powers of the federal government and declaring unconstitutional under the New Hampshire constitution their acceptance in such circumstances, and establishing a committee to review state participation in federal grant-in-aid programs. (Sorg, Graf 3; et al: State-Federal Relations and Veterans Affairs)
new title: expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs.

2nd new title: establishing a committee to review state participation in federal grant-in-aid programs.

72, am 258, Constitutional Review and Statutory Recodification (RC) 258-261, psd 633-634, 752, S LT 1016, conc S am (RC) 1140-1142, enr 1148, committee appointed 1328 (Chapter 226)

HB 591, relative to the determination of parental rights based on the best interest of the child; relative to grounds for modification of an order regarding parental rights and responsibilities, and relative to grandparent and stepparent visitation rights. (Oligny, Rock 8; et al: Children and Family Law)
72, ret 1323

HB 592, apportioning state representative districts, congressional districts, executive council districts, and county commissioner districts. (Tucker, Rock 17; et al: Special Committee on Redistricting)
72, rules suspended 1237, ret 1323

HB 593-FN-A-L, relative to video lottery and table gaming. (Gionet, Graf 3; et al: Ways and Means)
72, ret 1323

HB 594, relative to the application of procedures for discharge or suspension from county employment. (Chandler, Carr 1; et al: Municipal and County Government)
72, psd 357-358, 450, S conc 1016, enr 1109 (Chapter 153)

HB 595, amending the compulsory school attendance statutes to permit parent-directed instruction programs and repealing the home education statutes. (L. Jones, Straf 1; et al: Education)
72, ret 1323

HB 596, establishing a recommended procedure upon the abandonment or foreclosure of a manufactured home within a housing park. (Emerton, Hills 7: Judiciary)
72, K 343

HB 597, revising the child support guidelines based on an income shares model of calculating child support. (Moran, Hills 18; et al: Children and Family Law)
72, psd 312-313, 449, S Com 1111, 1325

HB 598, prohibiting a candidate from receiving the nomination of more than one party. (L. Jones, Straf 1; et al: Election Law)
72, K 329-330

HB 599, relative to appointments and reappointments of marital masters. (Soltani, Merr 8; et al: Judiciary)
72, ret 1323

HB 600 – *not introduced*.

HB 601-FN, relative to implementation of federal health care reform. (Hunt, Ches 7: Commerce and Consumer Affairs)
72, am 324-325, psd 449, nonconc S am, conf 1057, 1146, rep adop (RC) 1203-1206, enr 1217, committee appointed 1331 (Chapter 264)

HB 602-FN-A, relative to funding the law requiring reporting of health care acquired infections. (C. McMahon, Rock 4: Commerce and Consumer Affairs)
73, ret 1323

HB 603, prohibiting public works projects and natural formations from being named in honor of any living elected official. (S. Lindsey, Ches 3: Public Works and Highways)
new title: prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official.
73, am 360, psd 450, S nonconc 1016

HB 604, relative to the procedures for approval of plans, specifications, and costs of school building construction or renovation. (Ladd, Graf 5; et al: Education)
73, ret 1323

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. (Garcia, Rock 4; et al: Ways and Means)
73, am 368-369, psd 450, nonconc S am, conf 1022, 1146, rep adop (RC) 1206-1208, enr 1217 (Chapter 261)

- HB 606**, establishing a committee to study the formation of a consumer protection working group. (Schlachman, Rock 13; et al: Commerce and Consumer Affairs)
73, K 325
- HB 607**, relative to exemptions under the consumer protection act. (Schlachman, Rock 13; Dowling, Rock 5: Commerce and Consumer Affairs)
73, K 325
- HB 608**, establishing a committee to study the health and environmental effects of using industrial-grade silicofluorides and industrial-grade sodium fluoride for water fluoridation in New Hampshire. (L. Christiansen, Hills 27: Science, Technology and Energy)
73, K 365
- HB 609-FN**, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division. (G. Richardson, Merr 4; et al: Judiciary)
73, am 343-351, psd 450, S conc 828, enr am 968, enr 969 (Chapter 88)
- HB 610-FN-A**, establishing number plates supporting New Hampshire public higher education. (Horrigan, Straf 7: Transportation)
73, K 367
- HB 611-FN-A**, relative to determination of the reasonable compensation deduction under the business profits tax. (Hess, Merr 9; et al: Ways and Means)
73, ret 1323
- HB 612**, establishing a commission to study existing septic systems and potential new septic technologies. (Millham, Belk 5; et al: Science, Technology and Energy)
73, K 252
- HB 613**, establishing exemptions from the licensing requirements for first mortgage bankers and brokers. (Sapienza, Rock 8; et al: Commerce and Consumer Affairs)
73, K 325
- HB 614**, requiring a performance audit of the guardian ad litem board and guardian ad litem services. (Gile, Merr 10; et al: Judiciary)
73, psd 229, 283, S LT 971, 1325
- HB 615**, creating a database of New Hampshire grown genetically modified crops. (Owen, Merr 4: Environment and Agriculture)
73, K 142
- HB 616-FN**, relative to coverage for divorced spouses. (Headd, Rock 3: Commerce and Consumer Affairs)
73, K 325-326
- HB 617**, repealing the prohibitions on Sunday business activities. (C. McGuire, Merr 8; et al: Commerce and Consumer Affairs)
73, rem 311, psd 605, 628, S LT 971, 1325
- HB 618-FN**, requiring state agencies to submit an efficiency level expenditure estimate to the commissioner of administrative services as part of the biennial budget process. (Cebrowski, Hills 18; et al: Finance)
73, ret 1323
- HB 619-FN**, requiring the state of New Hampshire to opt out of the requirement that individuals purchase health insurance contained in the Patient Protection and Affordable Care Act. (Kurk, Hills 7: Commerce and Consumer Affairs)
74 ret 1323
- HB 620**, establishing a commission to study the creation of a health care pool for police, fire, teachers, state, university, and municipal employees. (Simard, Graf 8; et al: Executive Departments and Administration)
74, K 336
- HB 621-FN-L**, relative to the authority of the department of transportation. (Hill, Merr 6; et al: Public Works and Highways)
74, rem 312, am 624-626, psd 628, S conc 828, enr am 968, enr 969, committee appointed 1328 (Chapter 114)

- HB 622**, relative to adjustments to the semi-annual collection of property taxes in towns and cities. (B. Patten, Carr 4; et al: Municipal and County Government)
new title: relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.
74, am 358-359, psd 450, nonconc S am, conf 973, 1054, rep adop 1208, enr 1217 (Chapter 262)
- HB 623**, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission. (G. Hopper, Hills 7; et al: Executive Departments and Administration)
74, psd (2RCs) 444-448, 451, recon rej 448-449, conflict of interest declaration 448, 449, conc S am 1140, conflict of interest declaration 1140, enr 1149 (Chapter 227)
- HB 624**, relative to the rulemaking authority of state agencies to establish or increase fees and costs. (Giuda, Merr 7; et al: Executive Departments and Administration)
74, ret 1323
- HB 625-FN-A**, relative to New Hampshire correctional industries. (Groen, Straf 1; et al: Executive Departments and Administration)
74, ret 1324
- HB 626-FN**, relative to a division of motor vehicles office location in Milford. (Daniels, Hills 6: Transportation)
74, SO 165, K 188
- HB 627-FN**, relative to “essential benefits” under federal health care reform. (Hunt, Ches 7: Commerce and Consumer Affairs)
74, psd 326, 449, S Com 827, 1325
- HB 628-FN**, making the touching or viewing with a technological device of a person’s breasts or genitals by a government security agent without probable cause a sexual assault. (Lambert, Hills 27; et al: Children and Family Law)
74, vac Criminal Justice and Public Safety 85, ret 1324
- HB 629-FN**, relative to the uninsured health care database. (Hunt, Ches 7: Commerce and Consumer Affairs)
74, psd (RC) 382-385, 451, S conc 969, enr 1013 (Chapter 115)
- HB 630**, requiring state agencies, boards, and commissions to submit a report to the senate and house finance committees concerning the need for fee increases or new fees. (Infantine, Hills 13: Executive Departments and Administration)
74, K 336
- HB 631-FN-L**, repealing the requirement that all school districts offer public kindergarten. (Maltz, Hills 27: Education)
74, K (RC) 218-221
- HB 632**, relative to labeling requirements for dispensing of drugs by automated pharmacy systems. (Case, Rock 1; et al: Health, Human Services and Elderly Affairs)
74, psd 471-472, 570, S Com 969, 1325
- HB 633**, preventing prescribing practitioners from owning pharmacies in-state and out-of-state. (Case, Rock 1; et al: Commerce and Consumer Affairs)
74, ret 1324
- HB 634-FN**, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent. (G. Richardson, Merr 4; et al: Children and Family Law)
74, psd 285, 309, S LT 971, 1325
- HB 635-FN-A**, requiring the governor to consolidate certain agency functions and making an appropriation therefor. (Kurk, Hills 7; et al: Executive Departments and Administration)
74, Finance 228, psd 645, 752, S conc 1055, enr 1144 (Chapter 200)
- HB 636-FN-A**, increasing the rate of the Medicaid enhancement tax, the nursing facility quality assessment fee, and the ICF quality assessment fee. (Kurk, Hills 7: Ways and Means)
74, K 369

- HB 637-FN**, relative to lowering the legal drinking age for members of the armed forces. (S. Lindsey, Ches 3; et al: Judiciary)
74, K 351
- HB 638-FN**, relative to access to public buildings by brick or stone walkways. (Sprague, Straf 2; et al: Public Works and Highways)
74, ret 1324
- HB 639-FN-L**, requiring impact studies for large-scale retail development. (Brunelle, Hills 10; et al: Municipal and County Government)
74, K 359
- HB 640-FN**, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians. (Millham, Belk 5; et al: Judiciary)
74, rem 312, K 617
- HB 641-FN**, relative to lien authority for the office of reimbursements within the department of health and human services. (Millham, Belk 5; et al: Judiciary)
74, rem 312, K 617
- HB 642-FN**, requiring the departments of health and human services and administrative services to jointly issue a certain request for information. (Rosenwald, Hills 22; et al: Health, Human Services and Elderly Affairs)
75, am 340, psd 450, S conc 1055, enr 1144 (Chapter 194)
- HB 643**, relative to propane sales. (Emerson, Ches 7; et al: Commerce and Consumer Affairs)
75, K 326
- HB 644-FN**, relative to various state laws pertaining to unlawfully present aliens. (Huxley, Hills 3; et al: Criminal Justice and Public Safety)
77, K 287
- HB 645-FN-A-L**, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2007 through 2010. (Hess, Merr 9; et al: Ways and Means)
83, ret 1324
- HB 646-FN-A-L**, eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2006 through 2010. (Newton, Straf 1; et al: Ways and Means)
83, ret 1324
- HB 647**, relative to withholding of wages. (Daniels, Hills 6: Labor, Industrial and Rehabilitative Services)
83, psd 352, 450, S conc 1016, enr 1109 (Chapter 140)
- HB 648**, relative to eminent domain petitions by public utilities. (Rappaport, Coos 1; et al: Science, Technology and Energy)
205, rules suspended 311, am 683, psd (RC) 683-686, 752, S Com 1111, 1325
- HB 649**, relative to the Northern Pass Project to construct and operate transmission lines from the Canadian border to a proposed terminal in Franklin, New Hampshire. (Ladd, Graf 5; et al: Science, Technology and Energy)
235, rules suspended 311, ret 1324
- HB 650-FN-L**, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. (L. Ober, Hills 27; et al: Special Committee on Education Funding Reform)
rules suspended 138, intro 283, psd 365, 450, S LT 969, conc S am 1140, enr 1149 (Chapter 211)
- HB 651**, allowing the sale and possession of monk parakeets. (Notter, Hills 19; et al: Fish and Game and Marine Resources)
310, rules suspended 311, psd 645-646, 752, S conc 970, enr 1013 (Chapter 116)
- HB 652-FN**, establishing a commission relative to Medicaid managed care. (Kurk, Hills 7: Finance)
rules suspended & intro (RC) 1220-1223, psd (RC) 1241-1244, 1280
- HB 653-FN**, requiring general fund budget reductions to reimburse Medicaid. (Kurk, Hills 7: Finance)
rules suspended & intro (RC) 1220-1223, rules suspended 1237, ret 1324

- HB 654-FN-L**, relative to credit for retirement system employer contribution overpayments. (Jasper, Hills 27; et al: Special Committee on Public Employee Pensions Reform)
rules suspended & intro (RC) 1220-1223, psd (RC) 1248-1251, 1281, rules suspended rej (RC) 1251-1253
- HB 655**, establishing a committee to study issues regarding the New Hampshire Local Government Center. (Tucker, Rock 17; et al: Ways and Means)
rules suspended & intro (RC) 1220-1223, LT rej (RC) 1268-1271, psd (2RCs) 1271-1276, 1281, debate printed 1276-1277
- HB 656**, relative to boundaries of wards. (Mirski, Graf 10: Special Committee on Redistricting)
rules suspended & intro (RC) 1220-1223, am (3RCs) 1253-1263, LT rej (RC) 1263-1266, psd (RC) 1266-1268, 1281

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HOUSE CONCURRENT ORDERS

- HCO 1**, relative to implementing an election pursuant to representative districts established in the order. (Winter, Merr 3; et al: Special Committee on Redistricting)
75, rules suspended 1237, ret 1324

2011 SESSION

HOUSE CONCURRENT RESOLUTIONS

- HCR 1**, urging the congressional delegation to begin the process for a constitutional amendment establishing that human beings, not corporations, are entitled to constitutional rights. (Weed, Ches 3; et al: State-Federal Relations and Veterans Affairs)
40, K (RC) 108-111
- HCR 2**, in support of the Arizona immigration law. (Marcus, Hills 3: State-Federal Relations and Veterans Affairs)
40, ret 1324
- HCR 3**, urging increased consideration and preservation of local authority in international trade and investment agreements. (Weed, Ches 3; et al: State-Federal Relations and Veterans Affairs)
40, rem 86, K 115
- HCR 4**, urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants. (S. Lindsey, Ches 3: State-Federal Relations and Veterans Affairs)
40, rem 86, K (RC) 115-118
- HCR 5**, urging that the United Kingdom return the Parthenon (Elgin) marbles to Greece. (S. Lindsey, Ches 3: Legislative Administration)
49, K 90
- HCR 6**, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. (C. Vita, Straf 3; et al: State-Federal Relations and Veterans Affairs)
55, SO 165, am 182, Finance (RC) 182-185, am 645, psd 752, S LT 1016, 1325
- HCR 7**, urging Congress to expedite the entry of political dissidents from Iraq and Afghanistan to the United States. (S. Lindsey, Ches 3: State-Federal Relations and Veterans Affairs)
55, K 144
- HCR 8**, urging the Transportation Security Administration to terminate recent changes to pat down search procedures and urging Congress and the President to change or discontinue the use of advanced imaging technology at airports. (Ulery, Hills 27; et al: State-Federal Relations and Veterans Affairs)
75, K 366
- HCR 9**, urging Congress to support H.R. 6416 or similar legislation relative to airport security. (Jennifer Coffey, Merr 6; et al: State-Federal Relations and Veterans Affairs)
new title: urging the President and Congress to address the privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by the Transportation Security Agency at the nation's airports.
75, am 564, psd 564, 571, conc S am 1077, enr am 1148

- HCR 10**, urging the National Park Service to permit the exhumation of the body of Meriwether Lewis to determine the cause of his death. (S. Lindsey, Ches 3: State-Federal Relations and Veterans Affairs)
75, K 366
- HCR 11**, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. (Tregenza, Carr 2; et al: State-Federal Relations and Veterans Affairs)
75, psd (RC) 564-566, 571, S LT 1016, 1325
- HCR 12**, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. (Tregenza, Carr 2; et al: State-Federal Relations and Veterans Affairs)
75, psd (RC) 567-569, 571, S LT 1016, 1325
- HCR 13**, urging Congress to pass legislation against losses in value due to money supply by the federal reserve; restoring gold and silver money; and phasing out the federal reserve system. (Tregenza, Carr 2; et al: State-Federal Relations and Veterans Affairs)
new title: urging the New Hampshire delegation to support HR 459 and S.202 requiring a comprehensive audit of the Federal Reserve.
75, rem 312, am 626-627, LT 627
- HCR 14**, applying to Congress to convene a convention proposing amendments to the United States Constitution. (Weyler, Rock 8; et al: State-Federal Relations and Veterans Affairs)
75, K 366
- HCR 15**, ordering our federal senators to vote against the Law of the Sea Convention. (Itse, Rock 9; et al: State-Federal Relations and Veterans Affairs)
new title: urging our federal senators to vote against the Law of the Sea Convention.
75, rem 312, am 627, LT 627
- HCR 16**, urging the prohibition of enforcing a particular federal executive order. (Itse, Rock 9; et al: State-Federal Relations and Veterans Affairs)
75, K 366
- HCR 17**, declaring that Copp versus Henniker and the opinions which subsequently relied upon Copp versus Henniker are void and of no force. (Itse, Rock 9: Judiciary)
75, K 352
- HCR 18**, declaring Merrill versus Sherburne to be void and of no force. (Itse, Rock 9: Judiciary)
75, K 352
- HCR 19**, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. (Itse, Rock 9; et al: State-Federal Relations and Veterans Affairs)
75, Constitutional Review and Statutory Recodification (RC) 261-264, psd (RC) 634-636, 752, S LT 1055, 1325
- HCR 20**, urging Congress to expedite the return of the Coast Guard Cutter USCGC Storrs to the state of Alaska to become Alaska's first maritime museum. (S. Lindsey, Ches 3: State-Federal Relations and Veterans Affairs)
75, K 291
- HCR 21**, urging the US Army Corps of Engineers to donate a portion of the wreckage of the USS Chickasaw, which served in the Civil War, to the state of New Hampshire. (S. Lindsey, Ches 3: State-Federal Relations and Veterans Affairs)
75, K 291
- HCR 22**, opposing the right of any firm, corporation, or individual to trademark the name Mount Washington. (Chandler, Carr 1; et al: State-Federal Relations and Veterans Affairs)
new title: declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.
75, am 569-570, psd 571, S conc 1055

- HCR 23**, urging the New Hampshire congressional delegation to support earmarks for the Portsmouth Naval Shipyard. (Brunelle, Hills 10; et al: State-Federal Relations and Veterans Affairs) 75, LT rej 264, K (RC) 264-266, motion to amend committee report for journal rej 267
- HCR 24**, urging the New Hampshire congressional delegation to sponsor legislation implementing policy recommendations of the Congressional Budget Office. (Pierce, Graf 9: State-Federal Relations and Veterans Affairs) 76, K 291
- HCR 25**, urging Congress to amend the Internal Revenue Code to permit churches and other houses of worship to engage in political campaigns. (Bergevin, Hills 17; et al: State-Federal Relations and Veterans Affairs) 76, K 570
- HCR 26**, declaring that the Claremont case's mandates that the legislative and executive branches define an adequate education, determine its cost, fund its entire cost with state taxes, and ensure its delivery through accountability, are not binding on the legislative and executive branches. (Balboni, Hills 21; et al: Special Committee on Education Funding Reform) 76, ret 1324
- HCR 27**, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes. (Bettencourt, Rock 4; et al) rules suspended & intro 965, psd 966, 967, remarks printed 966, S conc 1016

2011 SESSION

HOUSE JOINT RESOLUTIONS

- HJR 1**, directing the department of transportation and the department of environmental services to study the prevention of further erosion of the east bank of the Exeter River. (Itse, Rock 9; et al: Resources, Recreation and Development) 40, K 143-144
- HJR 2**, prohibiting the implementation of the insurance department rules regarding the New Hampshire Medical Malpractice Joint Underwriting Association. (B. Patten, Carr 4; et al: Commerce and Consumer Affairs) 54, ret 1324
- HJR 3**, prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation. (B. Patten, Carr 4; et al: Executive Departments and Administration) 54, psd 101, 126, S conc 826, enr 870 (Chapter 56)
- HJR 4**, prohibiting the implementation of certain rules of the board of medicine. (B. Patten, Carr 4; et al: Executive Departments and Administration) 812-813, psd 950-951, 967, S LT 1055, 1325

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HOUSE RESOLUTIONS

- HR 1**, adopting the rules of the 2010 session for the 2011-2012 biennium, (with deadlines in rule 64 to be prospective only).
intro & adop 8
- HR 2**, recording House Sessions and the Permanent Journal.
intro & adop 8
- HR 3**, distribution of House publications.
intro & adop 8
- HR 4**, the Speaker employing personnel per RSA 17-E:5.
intro & adop 8
- HR 5**, legislative salary and mileage payments.
intro & adop 9
- HR 6**, condemning the taking of a private business by a foreign government. (Hawkins, Hills 18: State-Federal Relations and Veterans Affairs) 40, rem 86, adop (RC) 118-120, 126

- HR 7**, directing the house judiciary committee to investigate whether grounds exist to impeach marital master Philip Cross and/or any justice of the New Hampshire superior court. (Itse, Rock 9; et al: Judiciary)
76, adop (RC) 487-491, 571, conflict of interest declaration 491
- HR 8**, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations. (Pierce, Graf 9; et al: State-Federal Relations and Veterans Affairs)
76, K 266-267, motion to amend committee report for journal rej 267
- HR 9**, supporting earmarks for public safety. (Brunelle, Hills 10; et al: State-Federal Relations and Veterans Affairs)
76, K (RC) 267-270
- HR 10**, urging the United States Congress to remove tax breaks for companies that send jobs out of the country. (Brunelle, Hills 10; et al: State-Federal Relations and Veterans Affairs)
76, K 291
- HR 11**, affirming revenue estimates for fiscal years 2011, 2012, and 2013. (Bettencourt, Rock 4; et al)
83, adop (RC) 121-125, 126, recon rej (RC) 165-167
- HR 12**, affirming revenue estimates for fiscal years 2011, 2012, and 2013. (Stepanek, Hills 6; et al)
970, adop (2RCs) 1006-1012, 1014
- HR 13**, repudiating *Opinion of the Justices*, 162 N.H. 160 (2011), and urging the senate to remove from the table and pass 2011 HB 89. (Sorg, Graf 3; et al: Constitutional Review and Statutory Recodification)
rules suspended & intro (RC) 1220-1223, adop (RC) 1237-1241, 1280
- HR 14**, memorializing state Representative Sean C. Cox of Andover.
intro and adop 1300-1301

2011 HOUSE PETITIONS

- PET 1**, grievance of the voters of the town of Hudson school district. (L. Christiansen, Hills 27: Redress of Grievances)
read-in 86
- PET 2**, grievance of Elena Katz, Arnold Goodman, and their daughter. (Itse, Rock 9: Redress of Grievances)
read-in 816
- PET 3**, grievance of Michael Brewster. (Itse, Rock 9: Redress of Grievances)
read-in 816
- PET 4**, grievance of Vincent Milano. (Itse, Rock 9: Redress of Grievances)
read-in 816
- PET 5**, grievance of David Johnson. (Baldasaro, Rock 3: Redress of Grievances)
read-in 830
- PET 6**, grievance of Candy Knightly. (Silva, Hills 26: Redress of Grievances)
read-in 1015
- PET 7**, grievance of Denise-Marie McIntosh. (Silva, Hills 26: Redress of Grievances)
read-in 1015
- PET 8**, grievance of Greg and Sarah Clarkson. (Welch, Rock 8: Redress of Grievances)
read-in 1234
- PET 9**, grievance of Frank M. Handibode. (Daugherty, Coos 1: Redress of Grievances)
read-in 1235
- PET 10**, grievance of Marie L. Miller. (Comerford, Rock 9: Redress of Grievances)
read-in 1234
- PET 11**, grievance of David D. Vandenberg. (Oligny, Rock 8: Redress of Grievances)
read-in 1317
- PET 12**, not introduced.

PET 13, grievance of Hope Nardone. (Itse, Rock 9: Redress of Grievances)
read-in 1234

PET 14, grievance of Jeanette Dionne. (Itse, Rock 9: Redress of Grievances)
read-in 1234

PET 15 – 17, not introduced.

PET 18, grievance of Jeffrey Frost. (Terrio, Hills 14: Redress of Grievances)
read-in 1282

2011 SENATE BILLS

SB 1, eliminating the automatic continuation requirement for public employee collective bargaining agreements. (Labor, Industrial and Rehabilitative Services)
55, SO 165, psd (RC) 172-175, 202, enr 204 (Chapter 3)

SB 2, relative to adoption of spending caps by municipalities. (Municipal and County Government)
new title: relative to adoption of tax caps by cities, towns, and other political subdivisions.
811, am 1087-1090, psd (RC) 1090-1092, 1106, S conc 1146, enr am 1149, enr 1217 (Chapter 234)

SB 3-FN-A-L, making comprehensive changes to the state retirement system. (Special Committee on Public Employee Pensions Reform)

new title: relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.

2nd new title: making comprehensive changes to the state retirement system.

811, SO and rules suspended 884, am (RC) 884-905, psd (RC) 905-908, recon rej 908, S nonconc, conf 966, conferee change 1111, rep adop (RC) 1113-1130, 1145, enr am 1146, enr 1147, S override veto 1224, LT (RC) 1230-1233, rem 1311, veto sustained (RC) 1311-1314, S override veto 1318

SB 11-L, relative to the police commission in the town of Hooksett. (Municipal and County Government)
59, psd 91, 125, enr 148 (Chapter 2)

SB 12-FN, relative to screening panels for medical injury claims. (Judiciary)
629, am 1063-1064, psd 1106, S nonconc, conf 1144, conferee change 1148, rep adop 1150-1151, 1216, enr 1217, committee appointed 1331 (Chapter 241)

SB 15, relative to the duties of tax collectors and clerks. (Municipal and County Government)
59, psd 632, 752, enr 826 (Chapter 19)

SB 16, relative to amendments to warrant articles. (Municipal and County Government)
new title: relative to the placement of numerical tallies on a ballot.
59, am 633, psd 752, S conc 827, enr 870 (Chapter 57)

SB 18, deleting a function of the central tax services unit. (Ways and Means)
204, psd 816-817, 824, enr 827 (Chapter 23)

SB 19, relative to the definition of “prime wetlands.” (Resources, Recreation and Development)
84, ret 1324

SB 20, relative to shoreland protection permits. (Resources, Recreation and Development)
483, psd 978, 1013, enr 1109 (Chapter 141)

SB 21, relative to exemptions from excavating and drainage permits. (Resources, Recreation and Development)
204, am 978-979, psd 1013, S conc 1110, enr 1147 (Chapter 195)

SB 22, relative to alternative regulation of small incumbent local exchange carriers. (Science, Technology and Energy)
811, psd 1021, 1050, enr 1144 (Chapter 175)

SB 25, relative to the Connecticut River Valley resource commission. (Executive Departments and Administration)
204, psd 816, 824, enr 827 (Chapter 24)

SB 26, establishing a committee to study the classification of motor vehicles. (Transportation)
84, psd 816, 824, enr am 827, enr 870, committee appointed 1329 (Chapter 58)

- SB 27**, relative to speed limitations for boats. (Resources, Recreation and Development)
629, vac Transportation 754, K (RC) 998-1001
- SB 28**, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions. (Commerce and Consumer Affairs)
483, am 1018, psd 1050, S conc 1147, enr 1149 (Chapter 212)
- SB 29**, relative to the definition of “moped” and relative to motorcycle endorsements. (Transportation)
204, psd 816, 824, enr 827 (Chapter 25)
- SB 30**, relative to including a parent’s residence in the parenting plan. (Children and Family Law)
483, psd 981, 1013, enr am 1053, enr 1144 (Chapter 176)
- SB 31**, relative to revocation or denial of a driver’s license for drug or alcohol involvement by persons under 21 years of age. (Transportation)
84, psd 816, 824, enr 827 (Chapter 26)
- SB 32**, relative to water withdrawals for snow making. (Resources, Recreation and Development)
483, psd 979, 1013, enr 1109 (Chapter 142)
- SB 33-FN**, relative to retired state employee contributions for medical benefits costs. (Executive Departments and Administration)
483, am 881-882, psd 967, S nonconc, conf 1077, rep rej 1151, rules suspended, new conf 1151, rules suspended, rep adop (RC) 1173-1176, 1216, enr 1217 (Chapter 242)
- SB 34-FN**, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases. (Judiciary)
483, psd 1019, 1050, enr 1144 (Chapter 177)
- SB 35-FN-A**, relative to exemption from the definition of utility property for purposes of the utility property tax. (Ways and Means)
483, psd 817, 824, enr am 827, enr 870 (Chapter 59)
- SB 36**, relative to the permanent siting of the Hampton-Exeter District Court. (Judiciary)
204, psd 976, 1013, enr 1054 (Chapter 122)
- SB 37**, relative to the determination of residency for certain pupils. (Education)
204, am 975-976, psd 1013, S conc 1110, enr 1147 (Chapter 178)
- SB 38**, relative to extensions for wetland and shoreland permits. (Resources, Recreation and Development)
483, psd 979, 1013, enr 1109 (Chapter 143)
- SB 40**, making technical corrections to meals and rooms tax laws. (Executive Departments and Administration)
811, Ways and Means 830-831, rem 1018, am (RC) 1044-1047, psd 1050, S nonconc 1110
- SB 42**, relative to the declaration of consideration for purposes of the real estate transfer tax. (Ways and Means)
204, am 833, psd 871, S conc 1055, enr 1144 (Chapter 179)
- SB 43**, making a technical correction to the tobacco tax laws. (Ways and Means)
204, psd 817, 824, enr 827 (Chapter 27)
- SB 45**, relative to criteria for designation as a Granite State scholar. (Education)
204, am 976, psd 1013, S nonconc, conf 1143, rep adop 1151, 1216, enr 1217 (Chapter 265)
- SB 46**, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country. (Science, Technology and Energy)
483, K 1040
- SB 47**, extending the commission to study water infrastructure sustainability funding. (Resources, Recreation and Development)
483, psd 979, 1013, enr 1109, committee report date extended 1326 (Chapter 144)
- SB 49**, relative to tip pooling arrangements. (Labor, Industrial and Rehabilitative Services)
483, ret 1324

- SB 50**, making various changes to laws regulating trusts and trust companies. (Commerce and Consumer Affairs)
811, am & Judiciary 875-880, am 1064, psd 1106, S nonconc, conf 1143, rep adop 1152, 1216, enr am 1217, enr 1218 (Chapter 243)
- SB 51**, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. (Health, Human Resources and Elderly Affairs)
new title: relative to the establishment of an inter-departmental team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.
629, am & Criminal Justice and Public Safety 882-883, rem 1018, psd (RC) 1040-1043, 1050, remarks printed 1043, S conc 1147, enr am 1149, enr 1217 (Chapter 235)
- SB 52-FN**, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole. (Criminal Justice and Public Safety)
811, am 1031-1032, psd 1050, S nonconc, conf 1143, conferee change 1148, 1148, rep adop (RC) 1152-1155, 1216, enr am 1216, enr 1218 (Chapter 244)
- SB 53-FN**, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. (Ways and Means)
new title: relative to the nursing assistant registry administered by the board of nursing.
2nd new title: relative to the definition of nursing and the nursing assistant registry administered by the board of nursing.
629, am 1001-1002, psd 1014, S nonconc, conf 1134, rep adop 1155, 1216, enr am 1216, enr 1218 (Chapter 245)
- SB 54**, relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations. (Commerce and Consumer Affairs)
811, Judiciary 830, psd 977, 1013, enr 1109, committee duties amended 1326 (Chapter 156)
- SB 55-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. (Science, Technology and Energy)
483, LT 1040
- SB 56-FN**, authorizing the department of revenue administration to accept credit card and debit card payments of taxes. (Ways and Means)
629, Finance 833, am 991, psd 1014, S conc 1055, enr 1144 (Chapter 180)
- SB 57**, relative to regulation of title loan lenders. (Commerce and Consumer Affairs)
483, psd (2RCs) 833-841, 871, recon rej 853, enr 967, S overrode veto 1224, veto overridden (RC) 1308-1311 (Chapter 270)
- SB 58-FN-A**, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. (Ways and Means.)
811, am & Finance (RC) 954-957, am 991-992, psd 1014, S conc 1110, enr 1147 (Chapter 181)
- SB 60**, relative to the definition of commercial motor vehicle. (Transportation)
204, psd 816, 824, enr 827 (Chapter 28)
- SB 62**, relative to persons participating in the return to work program. (Commerce and Consumer Affairs)
204, psd 830, 871, enr 967 (Chapter 82)
- SB 63**, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies. (Judiciary)
new title: relative to the list of bail bondsmen and relative to forfeiture for failure to appear.
629, am 1019, psd 1050, S conc 1147, enr am 1149, enr 1217 (Chapter 236)
- SB 64**, removing the oath requirement for criminal complaints filed by police officers. (Judiciary)
new title: removing the oath requirement for class B misdemeanor criminal complaints filed by police officers.
483, am 977-978, psd 1013, S conc 1147, enr 1149 (Chapter 217)

- SB 65**, making technical corrections to a law relative to court facility financing. (Judiciary)
204, psd 1020, 1050, enr 1144 (Chapter 196)
- SB 66**, relative to nonresident fees for motorcycle rider education. (Transportation)
new title: relative to nonresident tuition for motorcycle rider education.
204, rem 816, am 823-824, psd 824, S conc 828, enr 967 (Chapter 83)
- SB 67**, establishing a committee to study school vouchers and school choice. (Education)
new title: establishing a committee to study the implementation of an education tax credit plan in New Hampshire.
204, am 1032-1033, psd (RC) 1034-1036, 1050, S conc 1147, enr 1148, committee appointed 1329 (Chapter 218)
- SB 68**, relative to records of disciplinary actions taken by the electricians' board. (Executive Departments and Administration)
204, am 1019, psd 1050, S nonconc, conf 1144, rep adop 1155, 1216, enr 1217 (Chapter 246)
- SB 70-FN**, relative to remedies in landlord-tenant actions. (Judiciary)
629, am 1086, psd 1106, conflict of interest declaration 1086, 1087, S nonconc, conf 1144, rep adop 1155-1156, 1216, conflict of interest declaration 1156, enr 1217 (Chapter 247)
- SB 72-FN**, establishing a comprehensive cancer plan fund. (Health, Human Services and Elderly Affairs)
629, am & Ways and Means 883-884, K 1102-1103
- SB 75-FN**, relative to clarification of part-time service in the state retirement system. (Special Committee on Public Employee Pensions Reform)
811, rem 875, am & Finance 964-965, psd 1077, 1106, S nonconc, conf 1144, rep adop 1156, 1216, enr 1217 (Chapter 248)
- SB 76-FN**, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws. (Executive Departments and Administration)
811, K 882
- SB 78-FN-A-L**, relative to motor vehicle registration fees. (Finance)
811, am (RC) 860-863, psd (RC) 863-865, 871, recon rej 867, S nonconc 1055
- SB 81-FN**, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head. (Executive Departments and Administration)
483, psd 882, 967, enr am 970, enr 1054 (Chapter 131)
- SB 82-FN**, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. (Education)
new title: extending the state board of education's authority to approve chartered public schools, relative to the funding of chartered public schools approved by a school district, and relative to proration of unexpended funds to chartered public schools approved by the state board of education.
2nd new title: extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district.
483, am & Finance 930, conflict of interest declaration 930, am 1077-1078, psd 1106, conflict of interest declaration 1078, S conc 1147, enr 1149 (Chapter 228)
- SB 85**, naming a bay in the town of Meredith Johnson Bay. (Resources, Recreation and Development)
204, psd (RC) 817-819, 824, enr 827 (Chapter 29)
- SB 86**, requiring the department of labor to warn employers of certain violations prior to imposing a fine. (Labor, Industrial and Rehabilitative Services)
811, psd 995, 1014, enr am 1053, enr 1144 (Chapter 182)
- SB 88**, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense. (Criminal Justice and Public Safety)
new title: relative to physical force in defense of a person, brandishing a firearm or other means of self-defense, and carrying firearms.

2nd new title: relative to physical force in defense of a person, relative to producing or displaying a firearm or other means of self-defense, and relative to eliminating minimum sentencing and adding civil immunity for certain firearm use.

811, am 1066-1071, am LT (RC) 1072-1074, psd (RC) 1074-1077, 1106, S nonconc, conf 1143, conferee change 1148, rep adop (RC) 1156-1160, 1216, enr am 1216, enr 1218, S overrode veto 1224, veto overridden (RC) 1224-1227, print debate rej (RC) 1228-1230 (Chapter 268)

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies. (Commerce and Consumer Affairs)

new title: relative to employee leasing companies.

2nd new title: relative to employee leasing companies and establishing a study committee on the procurement of health insurance by employee leasing companies.

483, rem 875, am 958-959, psd 967, S nonconc, conf 1056, rep adop 1160-1161, 1216, enr am 1216, enr 1218, committee appointed 1329 (Chapter 249)

SB 90, directing the legislative oversight committee to study the consolidation of school administrative units. (Education)

483, am 981-985, psd 1013, S nonconc 1055

SB 91, relative to automatic fire suppression sprinklers. (Municipal and County Government)

204, am 857-858, psd (RC) 858-860, 871, S nonconc, conf 1110, rep adop (RC) 1161-1164, 1216, enr 1217, S overrode veto 1224, veto overridden (RC) 1277-1280 (Chapter 269)

SB 92, establishing an economic strategic commission to review the relationship between business and government. (Executive Departments and Administration)

811, am 831, psd 871, S nonconc, conf 1083, rep adop 1164, 1216, enr 1217, committee appointed 1330 (Chapter 250)

SB 93, relative to pharmacist administration of vaccines. (Health, Human Services and Elderly Affairs)

630, Commerce and Consumer Affairs 952, am 1022, psd 1050, S conc 1147, enr 1149 (Chapter 213)

SB 95, establishing a commission to study youth sports concussions and other concussions received while at school. (Education)

483, rem 1018, K 1044

SB 96, relative to amending the charter of The Pinkerton Academy. (Education)

204, psd 976, 1013, enr 1054 (Chapter 123)

SB 97, relative to the application of the community revitalization tax relief incentive. (Ways and Means)

204, am 1065, psd 1106, S conc 1147, enr am 1149, enr 1217 (Chapter 237)

SB 98, revising the international registration plan. (Transportation)

204, am 980, psd 1013, S conc 1110, enr 1149 (Chapter 214)

SB 99, relative to trailer brakes. (Transportation)

204, am 980-981, psd 1013, S conc 1110, enr 1147 (Chapter 183)

SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle. (Resources, Recreation and Development)

new title: relative to the size limitations on OHRVs operating in Jericho Mountain state park. 630, am 979-980, psd 1013, S conc 1055, enr 1144 (Chapter 184)

SB 102, establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans. (State-Federal Relations and Veterans Affairs)

483, am 820-821, psd (RC) 821-823, 824, S conc 828, enr 967, committee appointed 1329-1330 (Chapter 84)

SB 104, relative to certain agricultural operations and certain bonds for excavation and driveways. (Municipal and County Government)

483, psd 832, 871, enr 967 (Chapter 85)

- SB 105**, exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails. (Resources, Recreation and Development)
629, psd 980, 1013, enr 1109 (Chapter 154)
- SB 106**, naming the visitor center at Jericho Mountain state park for Robert Danderson. (Resources, Recreation and Development)
629, ret 1324
- SB 107**, establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands. (Resources, Recreation and Development)
630, psd 980, 1013, enr 1054, committee appointed 1329 (Chapter 124)
- SB 108**, relative to emergency obstetrical care. (Judiciary)
483, K 1064-1065
- SB 109**, establishing a committee to study the foreclosure process in New Hampshire. (Judiciary)
483, K 978
- SB 111**, relative to short sales of a homeowner's residence. (Commerce and Consumer Affairs)
811, psd 974, 1013, enr 1109 (Chapter 145)
- SB 112**, relative to the membership on the advanced manufacturing education advisory council. (Executive Departments and Administration)
204, psd 631-632, 752, enr 826, committee amended 1326 (Chapter 20)
- SB 115**, relative to observing voter check-in. (Election Law)
204, am 1060-1061, psd 1106, rej S conf req 1142
- SB 116**, relative to the manufactured housing installation standards board. (Commerce and Consumer Affairs)
new title: relative to the manufactured housing installation standards board and relative to the definition of a modular building.
204, am 880-881, psd 967, S conc 1055, enr am 1110, enr 1147 (Chapter 197)
- SB 117**, relative to private postsecondary career schools and the student tuition guaranty fund. (Education)
811, rcmt 985-987, am 1057-1059, psd 1106, conflict of interest declaration 1057, S nonconc, conf 1143, (no report filed) Clerk's note 1320
- SB 120**, relative to alcoholic beverage advertising restrictions. (Commerce and Consumer Affairs)
811, am 1023, psd (RC) 1023-1026, 1050, S conc 1147, enr am 1149, enr 1217 (Chapter 238)
- SB 121**, relative to the application of the worker adjustment and retraining notification act. (Labor, Industrial and Rehabilitative Services)
811, psd (RC) 995-998, 1014, enr 1109 (Chapter 146)
- SB 122**, establishing a committee to study the laws relating to electronic prescriptions. (Commerce and Consumer Affairs)
483, psd 881, 967, enr 969, committee appointed 1329 (Chapter 117)
- SB 123**, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. (Criminal Justice and Public Safety)
630, am 974-975, psd 1013, S nonconc, conf 1143, rep adop 1164, 1216, enr 1217 (Chapter 251)
- SB 125-FN-A**, relative to the business profits tax deduction for reasonable compensation. (Ways and Means)
new title: relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.
630, am 1002-1004, psd (RC) 1004-1006, 1014, S conc 1110, enr 1147 (Chapter 207)
- SB 127-FN**, relative to the city of Manchester's contributory retirement system. (Executive Departments and Administration)
204, psd 632, 752, enr 826 (Chapter 21)
- SB 128-FN-A**, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department. (Fish and Game and Marine Resources)
484, psd 976, 1013, enr 1109, committee appointed 1329 (Chapter 147)

- SB 129-FN**, relative to presenting photo identification to vote in person and relative to the election fund. (Election Law)
811, am (4RCs) 931-948, Finance (RC) 948-950, psd (RC) 1078-1083, 1106, protest 1083, S conc 1147, enr 1147, S sustained veto 1224
- SB 130-FN-A**, repealing the tax on gambling winnings. (Ways and Means)
484, K 833
- SB 133-FN**, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. (Municipal and County Government)
484, psd 670-671, conflict of interest declaration 671, recon 671, LT 671
- SB 135-FN-A**, relative to election returns and election records. (Election Law)
484, psd 1061, 1106, enr 1147 (Chapter 185)
- SB 139-FN**, relative to state recoveries of public assistance caused by fraud. (Judiciary)
484, psd 1020, 1050, enr 1144 (Chapter 186)
- SB 140-FN**, relative to the disposition of military justice fines. (State-Federal Relations and Veterans Affairs)
204, psd 823, 824, enr 827 (Chapter 30)
- SB 144**, relative to extending certain permits and approvals. (Resources, Recreation and Development)
new title: relative to extending permits and approvals for subdivision of land.
2nd new title: relative to approvals for site plans and subdivision of land.
484, am & Municipal and County Government 833, am 1020-1021, psd 1050, S conc 1147, enr 1149 (Chapter 215)
- SB 146-FN**, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. (Finance)
484, am 992, psd (RC) 992-995, 1014, S conc 1147, enr 1149 (Chapter 229)
- SB 147-FN**, relative to Medicaid managed care. (Ways and Means)
630, am 865-867, psd 871, recon rej 867, S conc 969, enr am 970, enr 1054 (Chapter 125)
- SB 148-FN**, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act. (Commerce and Consumer Affairs)
new title: relative to health insurance coverage, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act, and requiring federal grant moneys received by the state for implementation of the Patient Protection and Affordable Care Act to be returned to the federal government.
2nd new title: relative to health insurance coverage.
484, am (RC) 908-912, psd (RC) 912-914, 967, recon rej 920, S nonconc, conf 1056-1057, rep adop 1164, 1216, enr am 1216, enr 1218 (Chapter 266)
- SB 151-FN**, relative to contracts of the department of health and human services. (Health, Human Services and Elderly Affairs)
811, am & Finance 884, am 1083-1084, psd 1106, S conc 1147, enr 1148 (Chapter 216)
- SB 152-FN**, relative to participation in state employees' group insurance by members of the general court. (Executive Departments and Administration)
629, rem 830, rcmt 867-868, ret 1324
- SB 153-FN**, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. (Executive Departments and Administration)
630, ret 1324
- SB 154-FN**, reforming and renaming the comprehensive shoreland protection act. (Resources, Recreation and Development)
new title: reforming and renaming the comprehensive shoreland protection act and repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.
811, am & Finance 952-954, am 1084-1085, psd 1106, S conc 1147, enr 1147, S sustained veto 1224
- SB 156-FN-L**, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications. (Commerce and Consumer Affairs)

811, SO rej 841, am (RC) 841-846, LT rej (RC) 846-848, psd (RC) 849-851, 871, recon rej (RC) 851-853, S conc 1055, enr am 1110, enr 1147 (Chapter 198)

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. (Executive Departments and Administration)
630, am & Ways and Means (RC) 854-857, psd (RC) 1103-1106, 1106, S conc 1147, enr 1147 (Chapter 202)

SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010. (Finance)
484, K 1039-1040, conflict of interest declaration 1040

SB 160-FN, relative to the definition and regulation of installment loans. (Commerce and Consumer Affairs)
811, LT rej (3RCs) 920-928, appeal of the ruling of the Chair 928, rcmt 928, ret 1324

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. (Executive Departments and Administration)
630, am & Finance 831-832, psd 995, 1014, S nonconc, conf 1133, rep adop 1165, 1216, enr 1217, committees amended 1326 (Chapter 252)

SB 162-FN, relative to federal health care reform 2010. (Commerce and Consumer Affairs)
629, rcmt 929, am (RC) 1026-1031, psd 1050, S nonconc, conf 1143, (no report filed) Clerk's note 1320

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty. (Executive Departments and Administration)
811, am 1062-1063, psd 1106, S nonconc, conf 1144, rep adop 1165-1166, 1216, enr 1217 (Chapter 239)

SB 168-FN, conforming the interest and dividends tax to federal tax definitions. (Ways and Means)
484, ret 1324

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association. (Executive Departments and Administration)
812, am & Ways and Means 951-952, am 1065-1066, psd 1106, S conc 1147, enr 1147, committee appointed 1331 (Chapter 201)

SB 171, relative to prescription drug benefits for the treatment of pain. (Commerce and Consumer Affairs)
630, K 1031

SB 172, relative to performance-based school accountability criteria. (Education)
484, am 1059, psd 1106, S nonconc 1147

SB 173, proclaiming January 24, 2012 as Granny D. Day. (Executive Departments and Administration)
484, rem 830, psd (RC) 868-870, 871, enr 967 (Chapter 86)

SB 174, relative to the Concord regional solid waste/resource recovery cooperative. (Municipal and County Government)
484, psd 633, 752, enr am 812, enr 827 (Chapter 31)

SB 176, relative to marriage licenses. (Judiciary)
630, psd 1020, 1050, enr 1144 (Chapter 187)

SB 179, relative to qualified purchasing alliances. (Commerce and Consumer Affairs)
812, psd 974, 1013, enr 1109 (Chapter 155)

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole. (Criminal Justice and Public Safety)
630, psd 975, 1013, enr 1054, committee appointed 1329 (Chapter 126)

SB 183-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities. (Special Committee on Education Funding Reform)
484, am 1092-1100, psd (RC) 1100-1102, 1106, rej S conf req 1143

SB 189, relative to the definition of mortgage loan originator. (Commerce and Consumer Affairs)
812, am 1018-1019, psd 1050, S conc 1147, enr am 1149, enr 1217 (Chapter 240)

SB 190, relative to the duties and membership of the executive branch ethics committee. (Election Law)
630, ret 1324

- SB 192**, establishing a commission to identify strategies needed for delivering a 21st century education. (Education)
629, K (RC) 1036-1039
- SB 193**, relative to nomination of political organizations. (Election Law)
812, am 1061-1062, psd 1106, rej S conf req 1142-1143
- SB 194**, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire. (Education)
new title: relative to the transfer of real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire and relative to the tax exempt status of real estate and personal property owned by the community college system of New Hampshire.
629, am 1059-1060, psd 1106, S conc 1147, enr 1147 (Chapter 199)
- SB 195**, naming the Manchester Airport Access Road for Raymond Wieczorek. (Public Works and Highways)
630, rem 875, LT rej (RC) 959-962, psd (RC) 962-964, 967, recon rej 964, enr 969 (Chapter 148)
- SB 196**, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores. (Education)
new title: relative to the renomination or reelection of teachers and grievance procedures.
812, am 987-988, psd (RC) 988-991, 1013, S nonconc, conf 1143, rep adop 1166-1167, 1216, enr 1217 (Chapter 267)
- SB 197**, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. (Commerce and Consumer Affairs)
812, K 981
- SB 198-FN**, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to need families (TANF). (Finance)
rules suspended & intro 1223-1224, am 1244-1245, psd (RC) 1245-1248, 1280, S conc 1317

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CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

- CACR 1**, relating to the election of state and county officers. Providing that state and county officers shall be elected in odd-numbered years. (Sova, Graf 10: Election Law)
40, K 88
- CACR 2**, relating to the tenure of judges. Providing that the general court may specify the term of office served by a judge. (Sova, Graf 10; et al: Judiciary)
40, K 213
- CACR 3**, relating to initiative petitions. Providing that referenda to enact laws may be initiated by petition. (Bergevin, Hills 17; et al: Election Law)
40, K 88
- CACR 4**, relating to oaths of civil officers. Providing that persons elected to the United States Senate and House of Representatives shall take the oath of civil officers prescribed by the constitution. (Baldasaro, Rock 3; et al: State-Federal Relations and Veterans Affairs)
40, ret 1320
- CACR 5**, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. (Ways and Means)
812, LT 957-958
- CACR 6**, relating to taxation. Providing that a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit. (Ulery, Hills 27; et al: Ways and Means)
new title: relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of

taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.

2nd new title: relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

68, SO 497, am (RC) 497-501, LT 501, rem 646, rules suspended (RC) 646-649, ruling of the Chair upheld (RC) 652-655, am (RC) 655-658, psd (RC) 658-660, 752, recon rej 660-661, debate printed 661-670, S Com 1110, 1324

CACR 7, relating to education funding. Providing that the general court shall distribute funds in the manner that it determines will best promote an equal opportunity for an adequate education. (G. Richardson, Merr 4; et al: Special Committee on Education Funding Reform)
69, ret 1320

CACR 8, relating to education. Providing that the legislature shall have the power to authorize schools. (Itse, Rock 9; et al: Education)
76, ret 1320

CACR 9, relating to parental rights. Providing that the state shall not abridge the responsibility of parents for the health, education, and welfare of their children. (Itse, Rock 9; et al: Children and Family Law)

new title: relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children.

76, am (2RCs) 369-375, recon rej 375

CACR 10, relating to establishing a New Hampshire state reserve fund. Providing that the New Hampshire state reserve fund shall be under the authority of the state treasurer and dedicated to offset the business profits tax, business enterprise tax, and the interest and dividends tax for purposes of lowering the rates of such taxes. (Malone, Belk 5: Ways and Means)
76, K 367

CACR 11, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms. (Reilly, Graf 8; et al: Judiciary)
76, ret 1320

CACR 12, relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis. (Hess, Merr 9; et al: Special Committee on Education Funding Reform)

new title: relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

76, SO 478, am 479-480, psd (RC) 480-482, recon rej 482, S Com 1110, 1324

CACR 13, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire. (Mirski, Graf 10; et al: Ways and Means)
76, ret 1320

CACR 14, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education. (Special Committee on Education Funding Reform)

new title: relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education.

812, LT 1092, rem 1283, rules suspended (RC) 1283-1286, am (RC) 1286-1289, K (RC) 1289-1292

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HB 109, relative to residential fire sprinklers.	
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HB 225, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.	
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HB 348, relative to games of chance and prohibiting the racing and charitable gaming commission and the lottery commission from authorizing new gambling machines or devices.	
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HB 362, relative to binding arbitration in public labor relations disputes.	
Question, adopt majority committee report of inexpedient to legislate. Yeas, 258; Nays, 83	505-507
HB 365, establishing a commission to encourage broadband development and making an appropriation therefor.	
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HB 368, relative to workforce housing and the definition of community.	
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HB 370, making changes to the pupil safety and violence prevention act. Question, adopt majority committee report of ought to pass with amendment. Yeas, 248; Nays, 96.....	416-419
HB 373, proclaiming June 3 each year in dedication of the sermon by Reverend Samuel McClintock on the commencement of the New Hampshire constitution and relative to the observance of Federal Constitution Days. Question, adopt committee report of inexpedient to legislate. Yeas, 219; Nays, 133	224-227
HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. Question, adopt majority committee report of inexpedient to legislate. Yeas, 87; Nays, 237	533-536
HB 378, inserting an exception to the criminal threatening statute. Question, adopt committee report of ought to pass with amendment. Yeas, 304; Nays, 54	404-407
HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. Question, Veto; shall bill become law. Yeas, 93; Nays, 267	1305-1308
HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system. Question, adopt committee report of ought to pass with amendment. Yeas, 229; Nays, 93	536-539
HB 389, relative to broadband infrastructure. Question, adopt majority committee report of inexpedient to legislate. Yeas, 226; Nays, 86	539-542
HB 414, establishing an assessment on motor vehicle inspections to be deposited in the police standards and training council training fund. Question, adopt committee report of inexpedient to legislate. Yeas, 353; Nays, 10	185-188
HB 416, adding an exemption from immunization for conscientious beliefs. Question, adopt committee report of inexpedient to legislate. Yeas, 215; Nays, 149	376-379
HB 417, making an appropriation to the milk producers emergency relief fund. Question, adopt majority committee report of ought to pass. Yeas, 112; Nays, 239	221-224
HB 422, prohibiting vaccinations in public schools. Question, adopt majority committee report of inexpedient to legislate. Yeas, 294; Nays, 49	419-421
HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission. Question, ought to pass. Yeas, 210; Nays, 134	422-424
HB 440, requiring that New Hampshire join the lawsuit challenging federal health care reform legislation, and repealing the authority for state implementation of federal health care reform. Question, adopt majority committee report of ought to pass. Yeas, 267; Nays, 92	179-182
HB 448, relative to spice incense products. Question, adopt committee report of inexpedient to legislate. Yeas, 158; Nays, 188	305-308
HB 453, making persons fleeing to avoid prosecution or custody or violating parole or probation ineligible to receive certain disability aid. Question, adopt committee report of inexpedient to legislate. Yeas, 282; Nays, 3	605-607
HB 461, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. Question, adopt committee amendment. Yeas, 88; Nays, 215	554-557
Question, adopt committee report of ought to pass. Yeas, 229; Nays, 75	557-560
HB 464, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. Question, adopt committee report of ought to pass. Yeas, 220; Nays, 80	560-563
HB 468, relative to assessments for aquatic resource compensatory mitigation. Question, adopt majority committee report of ought to pass with amendment. Yeas, 261; Nays, 90	230-232
HB 474, relative to freedom of choice on whether to join a labor union. Question, adopt ought to pass with amendments. Yeas, 221; Nays, 131	162-165
Question, reconsideration. Yeas, 100; Nays, 248	167-170
Question, concur with Senate amendment. Yeas, 225; Nays, 140	914-917
Question, shall the ruling of the chair be upheld. Yeas, 267; Nays, 101	1187-1190
Question, print parliamentary inquiry and debate in permanent journal. Yeas, 333; Nays, 36	1190-1194
Question, Veto; shall bill become law. Yeas, 240; Nays, 139	1292-1295
HB 484, requiring random drug testing of food stamp program participants. Question, lay on table. Yeas, 208; Nays, 75	608-610
HB 485, relative to requiring photo identification for food stamp program participants. Question, lay on table. Yeas, 212; Nays, 74	610-612

Roll Calls (cont.)

HB 496, relative to radiological monitoring in nuclear emergency planning zones.	
Question, recommit. Yeas, 76; Nays, 239	542-544
HB 513, relative to end of life aid in dying for certain persons suffering from a terminal disease.	
Question, adopt majority committee report of inexpedient to legislate. Yeas, 234; Nays, 99	484-487
HB 519, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.	
Question, recommit. Yeas, 100; Nays, 250	238-240
Question, ought to pass with amendment. Yeas, 246; Nays, 104	240-243
Question, adopt motion to print debate. Yeas, 240; Nays, 108	243-246
Question, adopt majority committee report of ought to pass. Yeas, 251; Nays, 108	642-645
HB 524, excluding persons convicted of violent crimes from mandatory early release on probation or parole.	
Question, recommit. Yeas, 114; Nays, 245	408-410
Question, adopt floor amendment. Yeas, 264; Nays, 97	410-413
HB 539, repealing the state enforcement of OBD II requirements for motor vehicles.	
Question, adopt committee report of inexpedient to legislate. Yeas, 178; Nays, 125	270-272
HB 540, relative to motor vehicle inspections.	
Question, adopt majority committee report of inexpedient to legislate. Yeas, 126; Nays, 210	575-577
Question, adopt minority committee report of ought to pass. Yeas, 234; Nays, 101	577-580
HB 542, amending the school attendance statutes, amending the statute for suspension or expulsion of a pupil for possession of certain weapons, and repealing the rulemaking and reporting provisions of the Parents as Teachers program.	
Question, adopt majority committee report of ought to pass with amendment.	
Yeas, 197; Nays, 148	425-427
Question, nonconcur with Senate amendment and request a conference committee.	
Yeas, 246; Nays, 105	1137-1139
Question, adopt conference committee report. Yeas, 240; Nays, 108	1200-1203
Question, Veto; shall bill become law. Yeas, 244; Nays, 130	1295-1298
Question, Veto; shall bill become law. Yeas, 255; Nays, 112	1315-1317
HB 557, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.	
Question, adopt committee report of ought to pass with amendment. Yeas, 238; Nays, 77	599-602
HB 560, increasing the minimum wage.	
Question, adopt committee report of inexpedient to legislate. Yeas, 238; Nays, 89	507-510
HB 561, prohibiting the state payment of the cost of wireless communications services for legislators and staff.	
Question, adopt committee report of inexpedient to legislate. Yeas, 249; Nays, 93	513-515
HB 567, relative to physical force in defense of a person.	
Question, adopt committee report of inexpedient to legislate. Yeas, 233; Nays, 122	413-415
HB 569, establishing domestic union as a valid contract and extending certain rights to parties to a domestic union.	
Question, adopt committee report of inexpedient to legislate. Yeas, 232; Nays, 59	615-617
HB 577, relative to the use of foreign languages by retail establishments.	
Question, lay on table. Yeas, 192; Nays, 105	602-604
HB 580, relative to the New Hampshire retirement system.	
Question, adopt floor amendment. Yeas, 136; Nays, 224	686-689
Question, adopt floor amendment. Yeas, 137; Nays, 229	705-708
Question, lay on table. Yeas, 132; Nays, 235	708-711
Question, adopt committee report of ought to pass with amendment. Yeas, 228; Nays, 139	711-713
Question, concur with Senate amendment. Yeas, 352; Nays, 10	917-920
HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.	
Question, adopt majority committee report of ought to pass. Yeas, 255; Nays, 88	510-513
HB 590, declaring unconstitutional under the federal Constitution the offering of federal grants-in-aid relating to matters not included among the defined powers of the federal government and declaring unconstitutional under the New Hampshire constitution their acceptance in such circumstances, and establishing a committee to review state participation in federal grant-in-aid programs.	
Question, adopt majority committee report of ought to pass with amendment.	
Yeas, 228; Nays, 111	258-261
Question, concur with Senate amendment. Yeas, 243; Nays, 110	1140-1142

Roll Calls (cont.)

- HB 601, relative to implementation of federal health care reform.
 Question, adopt conference committee report. Yeas, 254; Nays, 96 1203-1206
- HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program.
 Question, adopt conference committee report. Yeas, 247; Nays, 101 1206-1208
- HB 623, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.
 Question, adopt majority committee report of inexpedient to legislate.
 Yeas, 101; Nays, 197 444-446
- Question, adopt minority committee report of ought to pass. Yeas, 219; Nays, 79 446-448
- HB 629, relative to the uninsured health care database.
 Question, adopt majority committee report of ought to pass. Yeas, 279; Nays, 87 382-385
- HB 631, repealing the requirement that all school districts offer public kindergarten.
 Question, adopt majority committee report of inexpedient to legislate.
 Yeas, 213; Nays, 134 218-221
- HB 648, relative to eminent domain petitions by public utilities.
 Question, adopt committee report of ought to pass with amendment. Yeas, 317; Nays, 51 683-686
- HB 652, establishing a commission relative to Medicaid managed care.
 Question, adopt majority committee report of ought to pass. Yeas, 259; Nays, 111 1241-1244
- HB 654, relative to credit for retirement system employer contribution overpayments.
 Question, adopt majority committee report of ought to pass. Yeas, 253; Nays, 110 1248-1251
- Question, suspend House Rules. Yeas, 113; Nays, 248 1251-1253
- HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center.
 Question, lay on table. Yeas, 47; Nays, 277 1268-1271
- Question, adopt committee amendment. Yeas, 123; Nays, 205 1271-1273
- Question, ought to pass. Yeas, 323; Nays, 4 1273-1276
- HB 656, relative to boundaries of wards.
 Question, adopt majority committee amendment. Yeas, 254; Nays, 105 1253-1256
- Question, adopt floor amendment. Yeas, 131; Nays, 216 1256-1259
- Question, adopt floor amendment. Yeas, 221; Nays, 111 1260-1263
- Question, lay on table. Yeas, 126; Nays, 205 1263-1266
- Question, ought to pass with amendments. Yeas, 234; Nays, 101 1266-1268
- HCR 1, urging the congressional delegation to begin the process for a constitutional amendment establishing that human beings, not corporations, are entitled to constitutional rights.
 Question, adopt committee report of inexpedient to legislate. Yeas, 280; Nays, 93 108-111
- HCR 4, urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants.
 Question, adopt committee report of inexpedient to legislate. Yeas, 310; Nays, 59 115-118
- HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.
 Question, adopt majority committee report of ought to pass with amendment.
 Yeas, 215; Nays, 140 182-185
- HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.
 Question, adopt majority committee report of ought to pass. Yeas, 189; Nays, 107 564-566
- HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.
 Question, adopt majority committee report of ought to pass. Yeas, 172; Nays, 124 567-569
- HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.
 Question, adopt majority committee report of ought to pass. Yeas, 223; Nays, 108 261-264
- Question, adopt majority committee report of ought to pass. Yeas, 242; Nays, 109 634-636
- HCR 23, urging the New Hampshire congressional delegation to support earmarks for the Portsmouth Naval Shipyard.
 Question, adopt majority committee report of inexpedient to legislate. Yeas, 241; Nays, 89 264-266
- HR 6, condemning the taking of a private business by a foreign government.
 Question, adopt committee report of ought to pass. Yeas, 254; Nays, 115 118-120

Roll Calls (cont.)

HR 7, directing the house judiciary committee to investigate whether grounds exist to impeach marital master Phillip Cross and/or any justice of the New Hampshire superior court.

Question, adopt majority committee report of ought to pass. Yeas, 242; Nays, 105 487-491
 HR 9, supporting earmarks for public safety.

Question, adopt majority committee report of inexpedient to legislate. Yeas, 238; Nays, 71 267-270

HR 11, affirming revenue estimates for fiscal years 2011, 2012, and 2013.

Question, ought to pass. Yeas, 266; Nays, 95 121-125

Question, reconsideration. Yeas, 92; Nays, 259 165-167

HR 12, affirming revenue estimates for fiscal years 2011, 2012, and 2013.

Question, adopt floor amendment. Yeas, 109; Nays, 241 1006-1009

Question, adopt committee report of ought to pass. Yeas, 257; Nays, 93 1009-1012

HR 13, repudiating Opinion of the Justices, 162 N.H. 160 (2011), and urging the senate to remove from the table and pass 2011 HB 89.

Question, adopt majority committee report of ought to pass. Yeas, 258; Nays, 112 1237-1241

SB 1, eliminating the automatic continuation requirement for public employee collective bargaining agreements.

Question, adopt majority committee report of ought to pass. Yeas, 282; Nays, 70 172-175

SB 2, relative to adoption of spending caps by municipalities.

Question, adopt majority committee report of ought to pass with amendment.

Yeas, 276; Nays, 95 1090-1092

SB 27, relative to speed limitations for boats.

Question, adopt majority committee report of inexpedient to legislate.

Yeas, 276; Nays, 75 998-1001

SB 3, making comprehensive changes to the state retirement system.

Question, adopt floor amendment. Yeas, 123; Nays, 232 902-905

Question, ought to pass with amendments. Yeas, 238; Nays, 121 905-908

Question, adopt conference committee report. Yeas, 250; Nays, 112 1127-1130

Question, lay on table. Yeas, 259; Nays, 104 1230-1233

Question, Veto; shall bill become law. Yeas, 1; Nays, 367 1311-1314

SB 33, relative to retired state employee contributions for medical benefits costs.

Question, adopt conference committee report. Yeas, 278; Nays, 99 1173-1176

SB 40, making technical corrections to meals and rooms tax laws.

Question, adopt floor amendment. Yeas, 272; Nays, 108 1044-1047

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

Question, adopt committee report of ought to pass. Yeas, 350; Nays, 28 1040-1043

SB 52, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

Question, adopt conference committee report. Yeas, 270; Nays, 100 1152-1155

SB 57, relative to regulation of title loan lenders.

Question, adopt floor amendment. Yeas, 134; Nays, 213 833-836

Question, adopt majority committee report of ought to pass. Yeas, 180; Nays, 171 838-841

Question, Veto; shall bill become law. Yeas, 248; Nays, 123 1308-1311

SB 58, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax.

Question, adopt committee report of ought to pass with amendment. Yeas, 281; Nays, 47 954-957

SB 67, establishing a committee to study school vouchers and school choice.

Question, adopt majority committee report of ought to pass with amendment.

Yeas, 273; Nays, 100 1034-1036

SB 78, relative to motor vehicle registration fees.

Question, adopt majority committee amendment. Yeas, 201; Nays, 108 860-863

Question, adopt majority committee report of ought to pass with amendment.

Yeas, 208; Nays, 98 863-865

SB 85, naming a bay in the town of Meredith Johnson Bay.

Question, adopt committee report of ought to pass. Yeas, 347; Nays, 1 817-819

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.

Question, lay floor amendment on table. Yeas, 257; Nays, 92 1072-1074

Question, adopt majority committee report of ought to pass with amendment.

Yeas, 248; Nays, 111 1074-1077

Roll Calls (cont.)**SB 88 (cont.)**

- Question, adopt conference committee report. Yeas, 283; Nays, 89 1156-1160
 Question, Veto; shall bill become law. Yeas, 251; Nays, 111 1224-1227
 Question, print debate in permanent journal. Yeas, 155; Nays, 203 1228-1230

SB 91, relative to automatic fire suppression sprinklers.

- Question, adopt majority committee report of ought to pass with amendment.
 Yeas, 223; Nays, 91 858-860
 Question, adopt conference committee report. Yeas, 284; Nays, 92 1161-1164
 Question, Veto; shall bill become law. Yeas, 266; Nays, 61 1277-1280

SB 102, establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans.

- Question, adopt committee report of ought to pass with amendment. Yeas, 347; Nays, 1 821-823

SB 120, relative to alcoholic beverage advertising restrictions.

- Question, adopt committee report of ought to pass with amendment. Yeas, 358; Nays, 15 1023-1026

SB 121, relative to the application of the worker adjustment and retraining notification act.

- Question, adopt majority committee report of ought to pass. Yeas, 259; Nays, 100 995-998

SB 125, relative to the business profits tax deduction for reasonable compensation.

- Question, adopt majority committee report of ought to pass with amendment.
 Yeas, 340; Nays, 9 1004-1006

SB 129, relative to presenting photo identification to vote in person and relative to the election fund.

- Question, adopt floor amendment. Yeas, 256; Nays, 104 931-934
 Question, adopt floor amendment. Yeas, 94; Nays, 262 934-937
 Question, adopt floor amendment. Yeas, 95; Nays, 259 937-940
 Question, adopt floor amendment. Yeas, 97; Nays, 251 945-948
 Question, ought to pass with amendment. Yeas, 243; Nays, 111 948-850
 Question, adopt majority committee report of ought to pass. Yeas, 259; Nays, 116 1078-1083

SB 146, relative to requiring submission of a reduced spending alternative as part of the biennial budget process.

- Question, adopt majority committee report of ought to pass with amendment.
 Yeas, 257; Nays, 101 992-995

SB 148, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

- Question, adopt majority committee amendment. Yeas, 259; Nays, 106 908-912
 Question, adopt majority committee report of ought to pass with amendment.
 Yeas, 261; Nays, 104 912-914

SB 156, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

- Question, adopt floor amendment. Yeas, 130; Nays, 218 841-846
 Question, lay on table. Yeas, 97; Nays, 249 846-848
 Question, adopt majority committee report of ought to pass with amendment.
 Yeas, 176; Nays, 166 849-851
 Question, reconsideration. Yeas, 131; Nays, 211 851-853

SB 157, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician.

- Question, adopt committee report of ought to pass with amendment. Yeas, 234; Nays, 92 854-857
 Question, adopt committee report of ought to pass. Yeas, 264; Nays, 110 1103-1106

SB 160, relative to the definition and regulation of installment loans.

- Question, adopt minority committee report of ought to pass. Yeas, 179; Nays, 186 920-923
 Question, lay on table. Yeas, 160; Nays, 206 823-825
 Question, adopt minority committee report of inexpedient to legislate. Yeas, 183; Nays, 184 925-928

SB 162, relative to federal health care reform 2010.

- Question, adopt committee amendment. Yeas, 278; Nays, 99 1026-1031

SB 173, proclaiming January 24, 2012 as Granny D. Day.

- Question, adopt committee report of ought to pass. Yeas, 240; Nays, 48 868-870

SB 183, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.

- Question, adopt majority committee report of ought to pass with amendment.
 Yeas, 260; Nays, 110 1100-1102

Roll Calls (cont.)

SB 192, establishing a commission to identify strategies needed for delivering a 21st century education.	
Question, adopt majority committee report of inexpedient to legislate.	
Yeas, 273; Nays, 105.....	1036-1039
SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek.	
Question, lay on table. Yeas, 150; Nays, 163.....	959-962
Question, adopt committee report of ought to pass. Yeas, 201; Nays, 111.....	962-964
SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.	
Question, adopt majority committee report of ought to pass with amendment.	
Yeas, 253; Nays, 105.....	988-991
SB 198, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF).	
Question, adopt majority committee report of ought to pass with amendment.	
Yeas, 237; Nays, 126.....	1245-1248
CACR 6, relating to taxation. Providing that a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.	
Question, adopt majority committee report of ought to pass with amendment.	
Yeas, 234; Nays, 118.....	497-501
Question, suspend House Rules to take up further action. Yeas, 258; Nays, 114.....	646-649
Question, adopt minority committee report of inexpedient to legislate. Yeas, 119; Nays, 251.....	649-652
Question, shall the ruling of the chair be upheld. Yeas, 270; Nays, 101.....	652-655
Question, adopt floor amendment. Yeas, 265; Nays, 107.....	655-658
Question, ought to pass with amendment. Yeas, 256; Nays, 117.....	658-660
CACR 9, relating to parental rights. Providing that the state shall not abridge the responsibility of parents for the health, education, and welfare of their children.	
Question, adopt majority committee report of inexpedient to legislate.	
Yeas, 148; Nays, 183.....	369-372
Question, adopt majority committee report of ought to pass with amendment.	
Yeas, 212; Nays, 128.....	372-375
CACR 12, relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis.	
Question, adopt committee report of ought to pass with amendment. Yeas, 252; Nays, 113.....	480-482
CACR 14, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education.	
Question, suspend House Rules. Yeas, 263; Nays, 106.....	1283-1286
Question, adopt floor amendment. Yeas, 225; Nays, 154.....	1286-1289
Question, ought to pass with amendment. Yeas, 114; Nays, 264.....	1289-1292

Round Pond dam, Pittsburg, acquisition by fish and gameHB 35

Rules**administrative procedure**

exemptions, boat operating restrictions on certain waters	HB 116
revenue administration tax forms, exemption repealed	HB 564
House, rules of 2010 session adopted for the 2011-2012 biennium	HR 1
of evidence, adopted for family division of the courts	HB 259

state agencies

amount of fees must be specified	HB 2am
business regulation, study	HB 248
establishing or increasing fees or modifying agency programs or responsibilities so that costs to persons are increased, legislative approval required	HB 624
fees, increased or new, report to general court finance committees required	HB 630
forms, non expiring provision removed	HB 43

Rules (cont.)

state agencies (cont.)	
insurance department, regarding NH Medical Malpractice Joint Underwriting Association, implementation prohibited	HJR 2
joint legislative committee on administrative rules, waiver required for missing deadline for action	HB 211
medicine, board of registration, disclosure of confidential information, implementation prohibited	HJR 4
mental health practice board, regarding misconduct investigation, implementation prohibited	HJR 3
procedures amended generally; rules extended to 10 years; Internet content, incorporation by reference	SB 161
proposal including fee increase requires legislative approval; municipalities may object to proposed rules as unfunded mandates	HB 222
proposed rule sent to appropriate legislative policy committees for review; recommendations and objections to joint committee on administrative rules	HB 159
proposed, procedure for legislative policy committees to review and comment	HB 211
rulemaking proceedings, notice to fiscal committee removed	HB 350
Rye, route 1-A, crosswalks and stop signs required	HB 497

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Safety department

2009 capital improvements appropriation amended	HB 25am
allocation of percentage of highway fund to, suspended	HB 2am
annulment of criminal record	
fee for researching and correcting file for successful petitioner removed	HB 645
fee for researching and correcting file for successful petitioner removed	HB 646
aviation fees, plan for collection to be transferred from transportation department	HB 2am
capital improvements appropriation	
highway fund	HB 25
lapse dates extended	HB 25
commissioner	
boat operating restrictions, rulemaking authority under administrative procedure act repealed	HB 116
consultation with amusement ride advisory board removed from carnival-amusement operators rules	HB 2am
fire standards and training commission, general rulemaking authority removed	HB 222
general rulemaking authority repealed from various statutes	HB 222
may grant authority to local officials to issue citations for violations of fire safety rules and licensing violations of fuel gas fitters, electricians, and plumbers	HB 355
motor vehicle equipment, general rulemaking authority removed	HB 222
motor vehicle violations, waiver in lieu of court appearance, default, report time amended	HB 350
special assistant, temporary position authorized	HB 2am
criminal history checks for health and human services employees, service providers, and day care providers, reduced fee negotiated	HB 2
division responsibilities amended	HB 188
emergency medical services bureau, donations and grants, annual reporting requirement	HB 392
emergency services and communications, state government telecommunications services transferred from administrative services	HB 2am
fire standards and training and emergency medical services, funding options, study	HB 2am
highway fund appropriation reductions; bi-monthly reports	HB 1am
interview and investigation of police officers involved in a critical incident, waiting period required	HB 434
joint support for cold case homicide unit in the justice department	HB 138
liquor commission enforcement, licensing, and education, transfer from liquor commission repealed	HB 88
manufactured housing, installation standards board, administrative functions transferred to joint board	HB 2
motor vehicle administrative hearings, testimony by video teleconference	HB 478
motor vehicles division driver licensing and registration office required in Milford	HB 626
navigation safety fund appropriation reductions; bi-monthly reports	HB 1am
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Safety department (cont.)

safety services division repealed	HB 2am
state police, enforcement of immigration laws	HB 644
Unified Carrier Registration System, fees deposited in the highway fund	HB 277

Safety services division repealed	HB 2am
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Sales tax, local revenue option as an alternative to property tax	HB 243
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Sales

alcoholic beverages, legal drinking age lowered to 18 for armed forces personnel	HB 637
antifreeze must contain aversive agents to render it unpalatable; penalties	SB 55
artificial flowers and miniature flags, sale by hawkers and peddlers, prohibition repealed	HB 142
ethanol, corn-based additive to gasoline, manufacture or sale in NH prohibited	HB 374
flammable stove polish, prohibition repealed	HB 143
goods and services made and retained in NH exempt from federal law and regulation; penalties	HB 324
oil, home-heating, guaranteed price plans and prepaid contracts, requirements for futures contracts clarified	HB 581
oleomargarine, labeling for sale of broken packages and notice for serving colored margarine repealed	HB 333
propane, charging higher prices to low-volume customers prohibited	HB 643
retail establishments that provide in-store aisle markings in a foreign language, must provide such signs in the six official languages of the United Nations	HB 577
Sunday business activities, prohibitions repealed	HB 617
wood stove, wood pellet, and fireplace equipment dealers, regulation	HB 169

Sarah Mildred Long Bridge, Maine-NH interstate bridge authority repeal repealed	HB 2
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School buses, mixed use bus redefined; pupils may be transported in, conditions	HB 172
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School districts

area, withdrawal procedure amended	HB 369
boards to insure daily physical education or recess	HB 377
boards, responsible for establishing structure, accountability, advocacy, and conduct of instruction; instructional goals for each school	HB 216
building aid, facility maintenance and capital improvement programs required by 2016	HB 528
charters, created by general court that do not have a local amendment process, to revert to the control of the voters, and be governed by RSA 49-B, home rule municipal charters	HB 181
cooperative, monitoring added to school administrative unit legislative oversight committee	HB 67
determination if child in juvenile court system is disabled, procedure amended	HB 467
education jobs program, federal funding, appropriation not to lapse	HB 2
instructional days and hours education department rulemaking required	HB 105
education department rulemaking required	HB 112
juvenile delinquency petitions must contain information that other educational approaches have already been tried and failed	HB 296
kindergarten requirement repealed; implementation plan construction grant program repayment penalty not applicable	HB 631
kindergarten construction program, bonds authorized	HB 2am
construction program, eligibility requirements	HB 2am
meetings, petitioned warrant articles, informational public hearing required	HB 403
pupils, attendance, residency disputes, procedures	SB 37
required to work with parents to provide alternatives to any material the parent finds objectionable	HB 542am
school nurses may administer certain pain medications, conditions	HB 573
small school defined; staffing exceptions	HB 290
special meetings to consider changes in amount of state funding; procedures	HB 2
special meetings to consider changes in amount of state funding; procedures	HB 650
tax cap provision may be included	SB 2

Schools

adequate education accountability alternative, full accreditation from New England Association of Schools and Colleges	HB 130
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Schools (cont.)

- adequate education (cont.)
 - average daily membership in residence redefined; base cost per pupilHB 2am
 - cost of funding opportunity, additional funding for schools with fewer than 150 pupilsHB 208
 - cost of opportunity, differentiated aid calculation amended; additional funds for
 - certain third grade pupilsHB 2
 - substantive content; state not liable for costs of education in arts, world languages, health, or technologyHB 39
- administrative units
 - competitive grant program to further cooperation in providing superintendent services; appropriationHB 2
 - consolidation, legislative oversight committee to studySB 90
 - joint board, weighted voting amendedHB 376
 - legislative oversight committee, monitoring cooperative school districts added to dutiesHB 67
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- building aid
 - 2010 moratorium repealedHB 60
 - construction plans must be approved by transportation department and regional planning commissionHB 220
- grants
 - amount limited in each fiscal yearHB 533
 - for leased space, charter schools eligibleHB 505
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 - projects prioritized according to type of construction or renovation proposedHB 604
- charter
 - building aid, grants for leased space eligibleHB 505
 - funding
 - additional grant for each pupilHB 337am
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 - state board of education approval, pilot program made permanent; state to pay tuition for pupil attending school outside his resident school district directly to the schoolSB 82
 - Virtual Learning Academy, state aid, total expenditure limitationHB 2
- common core state standards, adoption prohibited without approval of general courtHB 164
- drug-free zones, sign fund repealed; penalty assessments to general fundHB 2am
- education trust fund distributions not subject to judicial reviewHB 233
- funding
 - adequate education, formula, studyHB 179
 - adequate education, grants, calculation and distribution amended; fiscal capacity disparity aid and excess education tax payments repealed; stabilization grantsHB 337
 - calculation and distribution of grants amended; fiscal disparity aid repealed; stabilization grants for certain communities establishedSB 183
 - Claremont decisions not binding on legislative and executive branchesHCR 26
 - education property tax, collection transferred from towns to revenue administration; rebate of excessive payments to eligible taxpayersHB 447
 - excess tax, remission to revenue administration deleted; town may retainHB 2am
 - fiscal capacity disparity aid, calculation amendedHB 2
 - general court distribution that will best promote equal opportunity for an adequate educationCACR 7
 - general court to define standards and accountability, determine level of state funding, and allocate state funds to mitigate disparitiesCACR 12
 - general court to define standards for education and accountability, and mitigate local disparities in opportunity and fiscal capacityCACR 14
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site-plan review authority, large-scale retail developments, comprehensive impact study, procedures; payments	HB 639
subdivisions	
applications, notice to upstream dam owners by planning boards removed	HB 205
development rights, 5 years vesting, exemption from amendments in ordinances or regulations	SB 144
regulations, planning boards may not require fire sprinkler systems in one or 2 family residences	HB 109am
workforce housing opportunities, municipal approval required	HB 368